The City Council met in regular session on Tuesday, May 15, 1984, at 1:00 p.m. in the City Council Chamber of the Raleigh Municipal Building, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton - arrived late
Mr. Keller
Mr. Upchurch

Mayor Upchurch called the meeting to order and invocation was rendered by the Rabbi Martin Beifield of Temple Beth Or, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - SHATTER SILENCE WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May 13 - May 20 as "Shatter Silence Week" in the City of Raleigh. Present to receive the proclamation were Lila Burden, President of the Quota Club of Raleigh; Eva Elmore, Lieutenant Governor of the 19th District of the Quota International; Lynn Stephenson, Vice President of Quota International and Amity Leitner, a hearing impaired student at Fred Olds School.

VOLUNTEER OF THE MONTH - HAROLD FASS HONORED

Mayor Upchurch explained the Volunteer of the Month Program and presented a plaque proclaiming Harold Fass as Volunteer of the Month in the City. In presenting the plaque, he explained some of Mr. Fass's accomplishments.

PROCLAMATION - WOLFPACK MONTH - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May 10-June 7 as Wolfpack Appreciation Month in the City of Raleigh. Former Mayor G. Smedes York, representing the Wolfpack Club was at the meeting to accept the proclamation, explaining they began a fund raising drive on May 10 in the City.

CERTIFICATES OF APPOINTMENT - VARIOUS - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentations and presented the following certificates: Arts Commission - Diana Jones and Maryanne K. Jenkins; Telecommunications Commission - Karen B. Peeler.

PROCLAMATION - DELTA SIGMA THEATA SOCIETY WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May 31-June 3 as Delta Sigma Theata Sorority, Inc. Week in the City of Raleigh. Ms. Lucille Webb and others representing the Sorority, were at the meeting to receive the proclamation. She indicated the Raleigh Chapter is serving as a host of the regional convention during that period and they anticipate the some 1,000 members who will be in Raleigh for the convention will enjoy their stay in our beautiful City.

NASH SQUARE FUND - CONTRIBUTIONS NOTED

Mayor Upchurch indicated in previous years the City has received funds from businesses adjoining Nash Square to assist in the beautification of the special park in our City. He indicated again this year, these businesses are providing funds to the City to aid in the beautification of Nash Square. He indicated those participating in these contributions are Hagger, Smith and Huffman, Architects; North Carolina Cattlemen's Association; Boxley, Bolton and Garber - Attorneys At Law; Carolina Securities Corporation; Charles W. Bradshaw - Realtor; North Carolina Motor Carriers Association, Inc.; First Federal Savings and Loan Association of Raleigh and the News and Observer Publishing Company. Mayor Upchurch expressed appreciation to those contributing to this worthwhile project.

MAYOR UPCHURCH - PROPER SYMBOL PRESENTED

Mayor Pro Tem Walters indicated all citizens of Raleigh were extremely proud of the way Mayor Upchurch represented the City of Raleigh at the 400th Anniversary in England. He indicated a City of Raleigh flag is being flown in the European location now. He pointed out many citizens got up early in the morning to see Mayor Upchurch via satellite and noted that our Mayor did not have the proper symbol of office of Mayor. Mayor Pro Tem Walters indicated therefore, with the help of Research and Information, he had had a proper symbol prepared and presented Mayor Upchurch with an appropriate neck dress displaying the Raleigh City Seal.

COUNCILMAN CONGLETON - EXCUSED FROM PORTION OF THE MEETING

Mayor Upchurch indicated Councilman Congleton had called and indicated he would be late arriving at the meeting, but he hoped to be at the meeting by 2:00 p.m. He indicated Mr. Congleton had requested that several items be deferred until after his arrival and he would bring these up at the appropriate time. Without objection, Mr.

Congleton was excused from a portion of the meeting and it was agreed that the items he requested to be deferred would be deferred until his arrival.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Upchurch explained the vote on the Consent Agenda would be a roll call vote. Mr. Walters requested that the transfer in the Fire Department and Bid Request 83-64 - Pumping Engine be withdrawn. Without objection, these two items were withdrawn. Ms. Babb moved approval of Administration's recommendations on the remaining items on the Consent Agenda. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - MASSEUSE LICENSE - APPROVED

This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Gayle H. Stone. She will be conducting her business at "Theotechnica," located at 3901 Barrett Drive. The attached Police report indicates approval.

Recommendation: Administration recommends approval of this privilege license application. Consent Agenda approval - Babb/Keller - 7 ayes.

SANITARY SEWER EASEMENT - 919 CAROLINA PINES AVENUE - COUNCIL CONCURS WITH ACCEPTANCE OF EASEMENT

Approximately two weeks ago, it was brought to the City's attention from some residents along Carolina Pines Avenue that they were experiencing sewer problems. Our "call" people checked on the situation on a Wednesday night and found that the main that they were being served by was broken. After further investigation, we found that they were tied onto an older sewer system that was installed by Mr. Sealey over twenty years ago in this Carolina Pines area, which was thought to be abandoned. Due to the fact that they were tied into the sewer system and had been using this line for some time, we felt we needed to act quickly to get their systems tied back into the gravity sewer. In making the most direct connection, an easement from 919 Carolina Pines Avenue had to be obtained from the property owners. This was handled in a satisfactory way with the property owners.

It is necessary to obtain Council concurrence in the acceptance of a dedication of the sanitary sewer easement on property at 919 Carolina Pines Avenue.

Recommendation: It is recommended that the Council concur with the acceptance of this easement.

Consent Agenda approval - Babb/Keller - 7 ayes.

TAXICAB FRANCHISE - CHANGE OF OWNERSHIP - APPROVED ON FIRST READING TO BE PLACED ON JUNE 5, 1984 AGENDA

In accordance with City Code Section 12-2059, Loman W. Murray, Jr., is selling his company to Mr. Apollo O. Ombajo and will operate under the same name of American Cab Company.

It is understood by both parties concerned that once change of ownership takes place, there is an automatic revocation of any owner's permit previously granted to the extent applicable to the operation of such taxicab or taxicabs.

Mr. Apollo O. Ombajo acknowledges this agreement and at this time is hereby making application for the above mentioned franchise.

An investigation of the applicant was satisfactory; therefore, Administration has no objection to Council approval for such action to be taken.

Recommendation: Approval of the requested franchise is recommended. If approved, this application will be placed on the June 5, 1984, Agenda for second and final consideration. Consent Agenda approval - Babb/Keller - 7 ayes.

BUDGET AMENDMENTS - COMMUNITY DEVELOPMENT, PARKS AND RECREATION - APPROVED - ORDINANCE ADOPTED

The Consent Agenda presented a budget amendment in the amount of $978.89 in the CD Department for program expenses relating to program events to be conducted by the Raleigh Arts Commission. A second budget amendment in the amount of $50 in the Parks and Recreation Department was presented, pointing out this is needed to place into an expenditure account a donation for beautification of the City cemetery. Administration recommends approval of the budget amendments as outlined. Consent Agenda approval - Babb/Keller - 7 ayes.

ORDINANCE NO. (1984) 345

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget be amended as follows to reflect program expenses relating to programs/events to be conducted by the Raleigh Arts Commission:

Revenue:	19-1-3000-0001	Fees	$978.89
Expense:	19-2-3000-0304	Other Program Services	$978.89

Section 2. That the 1983/1984 Budget be amended as follows to reflect placing into expenditure account donation for beautification of City Cemetery:

Revenue:	37-1-0070-0200	Misc. Income	$50.00
Expense:	37-2-3000-0165	Beaut. City Cemetery	$50.00

Section 3. That the 1983/1984 Budget be amended as follows to reflect funding of ARK - Raleigh Urban Ministries:

Revenue:	01-1-0080-0212	Rev. Sharing Agencies	$5,000.00
Expense:	01-2-1050-0386	ARK - Raleigh Area Min.	$5,000.00
Revenue:	34-1-0090-0220	Reserve Unappropriated	$5,000.00
Expense:	34-2-3040-0101	Expend. Acct.	$5,000.00

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

Approval has been granted for rent-free use of the Northeast Exhibition Hall at the Civic Center on August 10, 1984, from 8:00 a.m. to 2:30 p.m. for the Police Sergeant's Examination.

The item was received as information without comment.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER #F-9 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order F-9 - Roberts Filter Manufacturing Company in the amount of an addition of $13,523. The Agenda listed the reason for the change order and the budget accounts that should be amended if the Change Order is approved. Administration recommends approval of the change order and appropriate transfer. Consent Agenda approval - Babb/Keller - 7 ayes. See Ordinance 346 TF 22.

ADVANCE WARNING SYSTEM - LAKES WHEELER, BENSON AND JOHNSON - CHANGE ORDER #1 - APPROVED

This Change Order is a deletion of $5,000 and is known as Change Order #1 - Bolton Corporation relating to Lakes Wheeler, Benson, and Johnson. The Agenda listed the need for the change order and the budget accounts that should be amended if the change order is approved. Administration recommends approval. Consent Agenda approval - Babb/Keller - 7 ayes. See Ordinance 347.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packets a list of Administrative transfers which have been authorized according to Council procedure. Concurrence with the Manager's action is recommended.

Consent Agenda approval - Babb/Keller - 7 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
01-2-1100-0700	01-2-1100-0265	$500.00
01-2-4010-0278	01-2-4020-0225	900.00
40-2-1600-0104	40-2-1600-0103	150.00
06-2-7010-0726	06-2-7010-0732	950.00
34-2-3805-0102	34-2-3810-0108	603.00
19-2-8240-0534	19-2-8240-0101	250.00
18-2-0800-0227	18-2-0800-0219	750.00
01-2-1220-0260	01-2-1220-0265	200.00
01-2-3040-0604	01-2-3040-0705	308.40
01-2-1160-0226		59.36
01-2-1160-0260		160.00
01-2-1160-0265		175.00
	01-2-1160-0213	90.00
	01-2-1160-0231	304.56
06-2-7030-0260	06-2-7030-0776	100.00
43-2-5090-0228	43-2-5090-0213	200.00
01-2-1200-0701	01-2-1200-0211	400.00
01-2-1040-0001	01-2-1010-0260	250.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the budgets of the City Manager's Office, Parks and Recreation, Public Utilities and Public Works. The Agenda outlined the reasons for the change order and the affected account numbers with recommendation of approval.

Consent Agenda approval - Babb/Keller - 7 ayes. See Ordinance 346 TF 22.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended change in the Traffic Code relating to channelization, No Parking and No U-turns with recommendation of approval. Consent Agenda approval - Babb/Keller - 7 ayes.

ORDINANCE NO. (1984) 347

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 7 entitled "NO U-TURN" be amended by adding the following:

Wilmington Street northbound at Hoke Street

Section 2. That Traffic Schedule No. 6C-8 entitled "CHANNELIZATION" be amended by deleting the following:

Cabarrus Street at McDowell Street

Section 3. That Schedule No. 6C-15 entitled "CHANNELIZATION" be amended by adding the following:

Cabarrus Street at McDowell Street

Section 4. That Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Gorman Street, east side, from Marcom Street, southward 50 feet
Singleton Industrial Drive, both sides, in its entirety

Amend said Schedule further by deleting the following:

Singleton Industrial Drive, south side, in its entirety

Section 5. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That this ordinance shall become effective May 22, 1984.

END OF CONSENT AGENDA

BID REQUEST 83-64 - PUMPING ENGINE AND RELATED TRANSFER - REFERRED TO LAW AND FINANCE COMMITTEE

Pursuant to advertisement as required by law, bids were received and publicly opened in the Office of the Purchasing Agent on April 24, 1984 for a pumping engine with results as follows: Grumman Emergency Products, Inc. - $138,983; Emergency Equipment, Inc. - $140,160; Seagrave Fire Apparatus, Inc. - $145,053; Peter Pirsch and Sons Company - $147,267.22; and Sutphen Corporation - $157,800. The Agenda also carried a recommended transfer to supplement funding for the purchase of this fire truck.

Mr. Walters indicated he had requested that this be withdrawn from the Consent Agenda, pointing out he has quite a few concerns and he would request that the bid as well as the related transfer be referred to Law and Finance Committee. Without objection, the item was so referred.

SPECIAL ITEMS

PRIVILEGE LICENSE - THE CULTURE CLUB - DENIED

Mayor Upchurch indicated by split vote, the Law and Finance Committee recommended that the application for a live entertainment license at the Culture Club be denied. This recommendation was on the May 1, 1984, Council Agenda. The Council deferred action on the recommendation and directed that the item be placed on this Agenda for further consideration. Mr. Keller indicated since this item came out of Law and Finance Committee and based on the report received from Zoning which recognized serious deficiencies in the parking available at this location, he would move that the Council sustain the Law and Finance Committee recommendation for denial. His motion was seconded by Mrs. Block. Mrs. Block read the Code Section relating to required parking, pointing out the Council did not have the authority to vary that Section.

MR. CONGLETON ARRIVES AT THE MEETING

Mr. Calloway questioned where that information comes from, with Mr. Keller indicating Council Members received a letter earlier today about it. The Code requires 155 parking spaces and due to cancellation of leases, the Culture Club has only 45 spaces available. Ms. Babb indicated the memo doesn't give the Council the date the leases were cancelled. Mr. Keller indicated by Code requirements they are to have 155 parking spaces but they only have 45 available due to their leases being cancelled. Ms. Babb indicated the memo didn't give information as to the dates the leases were cancelled and questioned when that occurred. City Manager Benton indicated he did not know because that is a private agreement with Mrs. Block pointing out she did not see why if that was important. Ms. Babb stated she just likes to have all the information, see the logical sequence of when things occurred, etc. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Babb and Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

Ms. Babb indicated she had voted no, pointing out throughout this process, she feels she has made her stance clear. She stated, now, as a point of personal privilege, she would like to allow Steve Levitas, Attorney representing the Culture Club, to be allowed to speak. She indicated Mr. Levitas would not be asking the City to reconsider its action, just discuss a related matter. Mrs. Block indicated she would have to object as she didn't see why we needed to discuss it any further. Ms. Babb moved that the Council allow Steve Levitas an opportunity to be heard. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative except Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

Attorney Levitas indicated the reason or basis for the City Council action he feels is very unclear. He indicated the question of parking had never been raised prior to today. He indicated he would like for the Council to provide a statement or reason for the denial of the privilege license, questioning if it is because of the recommendation of the Police Department, Administration and Law and Finance Committee or whatever. He indicated suggestions had been made to the public through the media that Mr. Thompson is unfit to conduct business in the City or is in some way connected with Operation Polaris. He indicated reasons given for denial were misdemeanor charges that took place over 3½ years ago and if that is the reason for denial, he feels it is arbitrary, irrational and unconstitutional for the City Council to take such a position. He indicated he just wanted the record set straight as to why the license was being denied so that his client will not have to carry this around with him if he ever wants to go in business in another location. He indicated he did not want his client to be branded as someone unfit to operate a business or whatever. Mayor Upchurch indicated, in his opinion, it was clearly stated why the application was denied. Attorney Levitas indicated it was his understanding that usually if a denial is recommended because of building code problems, etc., the applicant is usually given an opportunity to address these issues. No further action was taken.

Later in the meeting, Ms. Babb indicated she wanted to go back and discuss the privilege license for the Culture Club. She indicated Attorney Levitas asked that the Council clarify specifically its grounds for denying the application and secondly, he asked that the City Council make it clear that they did not feel Mr. Thompson is a criminal. She indicated Attorney Levitas made a request and she feels it is a legitimate request; therefore, she would move that the City Council ask the Law and Finance Committee or the City Attorney or the City Manager to develop a statement of reasoning behind the denial in response to Attorney Levitas' request. Her motion was seconded by Mr. Calloway. Mayor Upchurch indicated he thought it had been made perfectly clear that the denial was based on insufficient parking. Ms. Babb indicated there is a major principle involved here and if the Council wants to say that parking is the reason they denied the application, that is okay but she feels that is shaky grounds, as the Council does not even have information as to when the leases expired, if the leases were withdrawn, were they withdrawn because of the pending action by Council, etc. She indicated that insufficient parking may be the reason for voting denial, but if that is true it seems odd as that was new information only today. Mr. Walters indicated the Council does not have authority to vary the parking requirements in this case and in his opinion, that is why the application was denied. Discussion followed as to what had occurred on this case, with Ms. Babb indicating she just feels that we should respond to Mr. Levitas' remarks. Mayor Upchurch indicated he had stated that that was his interpretation of the motion, that the denial was based on lack of sufficient parking. Ms. Babb indicated if that is the case, then she would withdraw her motion. Mrs. Block pointed out she felt that Attorney Levitas had been remiss in advising his clients about regulations. She indicated lack of appropriate parking is the major thing, but if you go down the list and see the deficiencies, there are plenty or reasons to deny the application that have absolutely nothing to do with the character of the applicant.

COMMUNITY DEVELOPMENT BUDGET - FY84/85 - APPROVED

On the May 1, 1984, Agenda, the Law and Finance Committee recommended approval of the FY 84/85 Community Development Budget as recommended. The Council, at that meeting, deferred action on this item and directed that it be placed on this Agenda for further consideration.

Mr. Congleton indicated he had asked that this item be pulled from the Agenda last time, pointing out he was concerned that he himself may have acted hastily and did not understand completely what was in the proposed budget. He indicated his concern

related to Gethsemane Rainbow and the fact that this was a first time request and they were asking for $30,000 and received $15,000 and other organizations were being kept at the same level as they received last year. He pointed out, however, that he has since found out that they received an appropriation from the Jobs Bill Program last year. He indicated he still had some questions in terms of the Meals on Wheels and whether they should stay at the $12,000 level. Assistant City Manager Wray indicated Meals on Wheels is included in the regular City budget for funding and Gethsemane Rainbow is not. Mr. Calloway indicated he felt that Gethsemane Rainbow is a very important program and briefly explained the program. He stated it's new and doesn't have a track record but he feels it is a needed program. He indicated he would move approval of the $15,000 appropriation to Gethsemane Rainbow and the Community Development budget as submitted. His motion was seconded by Ms. Babb. After brief discussion, which centered around the fact that Gethsemane Rainbow was funded out of Jobs Bill and they were told it was a one time appropriation and past Council actions on agency appropriations, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Congleton requested that CR-5045 (S-56-84) and CR-5048 (S-60-84) be withdrawn. Mr. Walters requested that CR-5040(S-41-84) be withdrawn. Mrs. Cates requested that CR-5061 (PA-209) be withdrawn. Mrs. Block requested that CR-5044 (PA-207) be withdrawn. Without objection, these items were withdrawn. Mr. Calloway moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-50-84 - BRENTWOOD ESTATES, LOT 104 - APPROVED - DEDICATION OF GREENWAY EASEMENT TO BE ACCEPTED

This was a request for approval to subdivide a 2.1 acre parcel into three (3) lots, zoned Residential-6. The site is currently developed with a single-family home.

The property is located at the south end of Crandon Lane, inside the City Limits.

CR-5041 from the Planning Commission recommended that this request be approved according to a map entitled, "Brentwood Estates, Lot 104," the property of Robert W. Walters, drawn by John Y. Phelps, Jr., dated March 1, 1984; and the dedication of greenway easement along Marsh Creek be accepted. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION -S-53-84 - CHARLES W. GADDY PROPERTY - APPROVED

This was a request for approval to subdivide a 28± acre tract into three (3) parcels, zoned Residential-4, Residential-10, Residential-20 and Office and Institution-I. The site is currently developed with two (2) single-family units, one of which is on the National Register of Historic Places.

The property is located at the southwest corner of Wake Forest Road and U.S. 64 (Beltline), inside the City Limits.

CR-5042 from the Planning Commission recommended that this request be approved according to a map entitled, "Charles W. Gaddy Property," the property of Charles W. Gaddy, drawn by O'Brien Atkins, dated April 2, 1984. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-54-84 - WAINRIGHT OFFICE CONDOMINIUMS - APPROVED

This was a request for approval to construct an office condominium property consisting of one (1) 17,000 square foot structure on 1.51 acres which are currently undeveloped and zoned Office and Institution-II and Conservation/Buffer.

The property is located at the south corner of Holly Drive, between Newton Road and Falls of the Neuse Road, inside the City Limits.

CR-5043 from the Planning Commission recommended that this request be approved according to a map entitled, "Wainright Office Condominiums," the property of Cresent Development Corporation, drawn by Paton, Zucchino and Associates, dated March 30, 1984. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-59-84 - PARAGON PARK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 24.3 acre parcel which is currently undeveloped and zoned Industrial-I and Residential-1 into 11 lots.

The property is located on the east side of U.S. 1 North, just south of Perry Creek Road, outside the City Limits.

CR-5047 from the Planning Commission recommended that this request be approved according to a map entitled, "Paragon Park," the property of Paragon Development Company, drawn by Priest, Craven and Associates, Incorporated, dated May 2, 1984, with the following conditions: (1) That a storm water management plan and program be developed and approved by the staff, in conformance with the Perry Creek Storm Water Policy being formulated by the City Council; and (2) that the developers conform with the new Perry Creek Policies for water and sanitary sewer extensions in the Perry Creek area; and (3) that no lots be recorded in this development until the Public Utilities Department can verify that there is capacity provided for this site in the private treatment facility. It is also recommended that the 400-foot variance to Section 10-3046 (street length) be granted due to surrounding development and topographical features (Simms Creek), and the 50-foot greenway easement along Simms Creek be accepted. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-61-84 - WHEELER PLACE CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval of an 84 single-family cluster unit development on 25.56 acres which are currently undeveloped and zoned Residential-4.

The property is located on the west side of Lake Wheeler Road, just south of Sierra Drive, outside the City Limits.

CR-5049 from the Planning Commission recommended that this request be approved according to a map entitled, "Wheeler Place Cluster Development," the property of CB&S, drawn by Jerry Turner and Associates, dated April 1, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-63-84 - SINGLETREE TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct 20 townhouse units on 2.06 acres which are currently undeveloped and zoned Residential-10.

The property is located at the southeast corner of Bashford Road and Iona Place, outside the City Limits.

CR-5050 from the Planning Commission recommended that this request be approved according to a map entitled, "Singletree Townhomes," the property of Stevens Construction Company, drawn by Innovative Design, dated April 1, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-64-84 - ADDITIONS TO STONEHENGE AND CROSSWINDS - APPROVED

This was a request for approval to subdivide a 46.2 acre parcel which is currently undeveloped and zoned Residential-4 into 106 single-family lots.

The property is located south of Strickland Road, north of Hamrick Drive, east of Creedmoor Road, outside the City Limits.

CR-5051 from the Planning Commission recommended that this request be approved according to a map entitled, "Additions to Stonehenge and Crosswinds," the property of Development Associates, Incorporated, and Community Properties, Incorporated, drawn by Penny Greene and Associates, dated April 19, 1984. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-65-84 - SUN POINTE CONDOMINIUMS - APPROVED

This was a request for approval to construct 180 condominium units on 18.86 acres which are presently vacant and zoned Residential-10 (18.03 acres), Residential-6 (.76 acre) and Residential-4 (.04 acre).

The property is located between Farmgate Road Extension and I-40, partly inside and outside the City Limits.

CR-5052 from the Planning Commission recommended that this request be approved according to a map entitled, "Sun Pointe Condominiums," the property of Sunbelt Limited of Raleigh, drawn by McNeely Associates, dated April 2, 1984. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-66-84 - DARTMOOR SOUTH - APPROVED

This was a request for approval to subdivide 23 acres which are currently vacant into 15 lots and one (1) 18.20 acre tract, zoned Residential-10 (18.20 acres) and Residential-6 (4.8 acres).

The property is located on the east side of Six Forks Road, between the existing Dartmoor and Crown Oaks Subdivisions, outside the City Limits.

CR-5053 from the Planning Commission recommended that this request be approved according to a map entitled, "Dartmoor South," the property of Barnett-Range Corporation and J & D Associates, drawn by Bass, Nixon and Kennedy, Incorporated, dated March, 1984, revised May 3, 1984. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-67-84 - ROCK HILL INDUSTRIAL PLAZA - APPROVED - GREENWAY DEDICATION TO BE ACCEPTED

This was a request for approval to subdivide 9.80 acres into six (6) lots, zoned Industrial-II, and the acceptance of the dedication of 2.97 acres of City of Raleigh greenway on the south side of Walnut Creek.

The property is located on the east side of Rock Quarry Road and south side of Walnut Creek, inside the City Limits.

CR-5054 from the Planning Commission recommended that this request be approved according to a map entitled, "Rock Hill Industrial Plaza," the property of Beltway Limited and R. L. Martin, drawn by Tate Lanning and Associates, dated March 21, 1984; and the acceptance of the dedication of 2.97 acres of greenway. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-68-84 - NORTH RIDGE VILLAS CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to construct a 57 single-family cluster unit development on 15± acres which are currently undeveloped and zoned Residential-6.

The property is located on the east side of Volant Drive, adjacent to North Ridge Shopping Center, inside the City Limits.

CR-5055 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Villas Cluster Unit Development," the property of North Hills, Incorporated, drawn by Castleberry-Edgerton Company, dated April 2, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Calloway/Walters - 8 ayes.

SUBDIVISION S-73-84 - SMOKETREE CLUSTER UNIT DEVELOPMENT REVISIONS - APPROVED WITH CONDITIONS

This was a request for approval to revise the approved plan to allow 123 townhouse units and 279 single-family units on 82.5 acres which are undeveloped and zoned Residential-6.

The property is located on the east side of U.S. 1 North, bordered by Berkshire Downs Subdivision on the east and Homestead Mobile Home Park on the north, outside the City Limits.

CR-5059 from the Planning Commission recommended that this request be approved according to a map entitled, "Smoketree Cluster Unit Development Revisions," the property of Smoketree Corporation, drawn by Robert T. Newcomb, RLS, dated April 1, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that a storm water management plan and program be developed and approved by the staff, in conformance with the Perry Creek Storm Water Policy being formulated by the City Council; and (3) that the developers conform with the new Perry Creek Policy for water and sanitary sewer extensions in the Perry Creek area. Consent Agenda approval - Calloway/Walters - 8 ayes.

PA-208 - NORTH RALEIGH HILTON ADDITION - APPROVED WITH VARIANCE AND CONDITIONS

This was a request for approval to construct an addition of 56 rooms and 3,136 square feet to the ballroom. The property is zoned Office and Institution-II. A variance is also requested per Section 10-2061(k)(4) to decrease the number of parking spaces required.

The property is located on the southwest corner of Wake Forest Road and New Hope Church Road Extension, inside the City Limits.

CR-5060 from the Planning Commission recommended that this request be approved according to a map entitled, "North Raleigh Hilton Addition," the property of HJH and Associates, drawn by Hakan/ Corley and Associates, revised date April 19, 1984; and that the parking variance request be expanded to 32 spaces with the condition that a detailed landscaping plan on the new parking area is approved by the planning staff prior to issuance of the grading permit. This plan should incorporate as many of the existing mature trees as feasible to save. Consent Agenda approval - Calloway/ Walters - 8 ayes.

PA-210 - KIDDS HILL HOUSE - APPROVED WITH CONDITIONS

This was a request for approval to convert an existing house into commercial and office use and construction of 17 covered parking spaces on 20.8 acres, zoned Shopping Center and Office and Institution-II.

The property is located at the intersection of Edwards Mill Road and Blue Ridge Road, outside the City Limits.

CR-5062 from the Planning Commission recommended that this request be approved according to a map entitled, "Kidds Hill House," the property of Kidd Brewer, drawn by Envirotek, Incorporated, dated May 2, 1984, with the following conditions: (1)

That a detailed landscaping plan be approved by the staff prior to issuing building permits; (2) that all signs or sign criteria be approved by the City Council prior to construction; and (3) that the portion of the house in the Office and Institution-II zoning be used only for office uses and not commercial. Consent Agenda approval - Calloway/Walters - 8 ayes.

SC-227 - BULLARD MINI STORAGE - APPROVED - GREENWAY TO BE ACCEPTED

This property was a request for approval to construct a 52,250 square foot mini storage complex consisting of eight (8) structures on 4.9 acres which are currently undeveloped and zoned Shopping Center. The applicant also offers .94 acre for greenway dedication along Crabtree Creek.

The property is located on the north side of McNeil Street, at the intersection of Bernard Street, inside the City Limits.

CR-5064 from the Planning Commission recommended that this request be approved according to a map entitled, "Bullard Mini Storage," the property of Bern Bullard Industries, drawn by Bass, Nixon and Kennedy, dated February 22, 1984; and that the offer of dedication of the .94 acre of greenway easement along Crabtree Creek be approved. Consent Agenda approval - Calloway/Walters - 8 ayes.

TC-261 - COMMERCIAL PARKING IN RESIDENTIAL DISTRICTS - ORDINANCE ADOPTED

This was a request to repeal Subsection 10-2073(c)(4) of the Raleigh City Code in its entirety and reserve it for future use. Subsection 10-2073(c)(4) of the Code gives the Board of Adjustment the authority to issue special use permits for commercial parking in residentially-zoned open lots.

CR-5066 from the Planning Commission recommended that this text change, as amended to continue the special use permit for redevelopment areas, be adopted. Consent Agenda approval - Calloway/Walters - 8 ayes.

ORDINANCE NO. (1984) - 348 TC 216

A ZONING ORDINANCE TO RESTRICT THE RESIDENTIAL ZONE PARKING SPECIAL USE PERMIT TO REDEVELOPMENT AREAS.

WHEREAS, G. S. 160A-381 permits the Raleigh Board of Adjustment to grant special use permits; and

WHEREAS, existing redevelopment plans have been designed with availability of off-street parking in residential zones;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Subsection 10-2073(c)(4) of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"(4) Residential Parking. To permit until five years from the effective date of this Ordinance (May 20, 1984, 1989) controlled parking with necessary regulations of automobiles in residential districts located within redevelopment areas established pursuant to Article 22, Chapter 160A of the General Statutes on open lots adjacent to non-conforming uses or on open lots adjacent to non-residential districts where such parking, will conform with adopted redevelopment plans, will tend to relieve traffic congestion in the streets at or near the premises in question, will tend to reduce the number of vehicles moving or parked on residential streets, thereby lessening the noise, dust, and gas near the dwellings and tending to promote more safety for pedestrians."

Section 2. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 6. This ordinance shall become effective five (5) days following its adoption.

Section 7. This ordinance shall automatically terminate five years following its effective date and thereafter Section 10-2073(c)(4) shall be reserved for future use.

Adopted: 5/15/84
Effective: 5/20/84

TEXT CHANGE - TC-264 - EARTH STATION DISH ANTENNAS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend Chapter 10 of the City Code to add the definition of "earth station dish antenna" and to regulate such antennas as to their location, size and required screening.

CR-5067 from the Planning Commission recommended that TC-264, as amended, be adopted. Consent Agenda approval - Calloway/Walters - 8 ayes.

ORDINANCE NO. (1984) - 349 TC 217

AN ORDINANCE TO REGULATE EARTH STATION DISH ANTENNAS.

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended to add a new definition, said new definition is to follow the definition of dwelling unit and it shall read as follows:

"Earth station dish antenna. An antenna whose purpose is to receive communications or other signals from orbiting satellites and other extraterrestrial sources."

Section 2. Section 10-2062(a) of the Raleigh City Code is amended to add a new cross-reference which shall read as follows: Cross reference miscellaneous regulations sec. 10-2074.

Section 3. Subsection 10-2064(b)(1)a of the Raleigh City Code is amended to add after the words "television towers," the following language "earth station dish antennas four or less feet in diameter."

Section 4. Section 10-2073(c) of the Raleigh City Code is hereby amended to add a new subsection 10-2073(c)(3), which shall read as follows:

"(3) Earth station dish antennas. To permit earth station dish antennas greater than seventeen feet above ground elevation and more than four feet in diameter in residential zoning districts if the following conditions are met:

a. The antenna is located no closer than twenty feet from any property line and is set back at least fifty percent of the height of the antenna and the height of any supporting structure.

b. The antenna is designed for the site to be unobstrusive with respect to material, color, scale, and positioning.

c. The antenna will not be detrimental to or injurious to property values of the surrounding neighborhood."

Section 5. Section 10-2074(b) of the Raleigh City Code is amended to add a new subsection, 10-2074(b)(5), which shall follow subsection 10-2074(b)(4) and shall read as follows:

"(5) No earth station dish antenna may be located within any required yard setback, and no antenna shall be located closer than thirty (30) feet to a street right-of-way, and;

a. No antenna located in a residential zone shall have a dish of a diameter greater than twelve (12) feet, unless located greater than one hundred (100) feet from the property line.

b. Any antenna over four (4) feet in diameter located in a residential zone shall be screened from the abutting right-of-way, the property boundary of an adjacent residence, and the boundary of an adjacent lot zoned a residential district. The screen may be structures, or plant materials, or earth berms, which uniformly reduce the view from the abutting lot or right-of-way at least seventy-five (75) percent to a height of six (6) feet above ground elevation year round. If plant materials are used for the screen, the screen shall be obtained within three years of initial planting. If a fence or wall is used for screening, plantings on the outside of the fence or wall shall be installed which will hide the horizontal view of the fence or wall by more than fifty (50) percent within three (3) years from installation of the fence or wall. No earth station dish antenna in any residential zoning district greater than seventeen (17) feet above ground elevation and more than four feet in diameter shall be erected unless a special use permit is issued by the board of adjustment pursuant to Section 10-2073(c)(3)."

Section 6. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 8. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 9. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 10. This ordinance shall become effective five (5) days following its adoption.

Section 11. Nothing in this ordinance permits receiving unauthorized copyright materials.

Adopted: 5/15/84

Effective: 5/20/84

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-41-84 - SUNNYBROOK PLACE - REFERRED TO LAW AND FINANCE

This was a request for approval to subdivide a 1.37 acre parcel into two (2) lots, zoned Residential-6. The site is developed with a single-family house.

The property is located on the east side of Sunnybrook Road, just north of Edison Road, outside the City Limits.

CR-5040 from the Planning Commission recommended that this request be denied according to a map entitled, "Sunnybrook Place," the property of Tollie Herbert Holland, drawn by Wilton C. Grimes, RLS, dated March 1, 1984.

Mr. Walters indicated he had requested that this be withdrawn from the Consent Agenda, pointing out it is a small subdivision that will be required to dedicate right-of-way for the road adjacent to it and construct a street. He indicated he believes the Code allows the City Council to grant a variance based on hardship. He explained this particular individual has already had to dedicate right-of-way, sell an easement across the back of his property and if he has to dedicate additional right-of-way and build a street, the property is not worth that much. City Attorney McCormick indicated according to Code requirements, the improvements would have to be made. Discussion took place as the whether the City Council had not discussed the problem of small subdivisions and the dedication and construction of roads. Mr. Walters indicated there has been concern and he feels that we do have a precedent for not requiring the dedication of the right-of-way, therefore he would move that the subdivision be approved and that the City grant a variance and not require the individual to dedicate the additional right-of-way. Planning Director Chapman indicated the question is really doing the improvements as the applicant has offered to dedicate the right-of-way. Mr. Walters explained some time back the City was going to curb, gutter and widen Sunnybrook Road but it was put off. He indicated if the City had gone ahead and done this then this individual would not be incurring this expense. Brief discussion took place as to whether the Council has made any change in this requirement, after which Mr. Walters withdrew his motion and requested that S-41-84 be referred to a committee to look at the possibility of changing the subdivision requirements as it relates to two lot subdivisions. By general consensus, the matter was referred to Law and Finance Committee.

PA-207 - WAINRIGHT OFFICE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct a 17,000 square foot office building on a 1.51 acre parcel which is currently undeveloped and zoned Office and Institution-II and Conservation/Buffer. The request is also to allow grading in the Conservation/Buffer which is only grassed.

The property is located at the south corner of Holly Drive, Newton Road and Falls of the Neuse Road, inside the City Limits.

CR-5044 from the Planning Commission recommended that this request be approved according to a map entitled, "Wainright Office Condominiums," the property of Cresent Development Corporation, drawn by Paton, Zucchino and Associates, dated March 30, 1984, with the stipulation that the grading in the Conservation/Buffer zone is only recommended because it does not contain screening plant material and that the applicant will relandscape the Conservation/Buffer with suitable screening material.

Mrs. Block indicated she requested that this item be withdrawn from the Consent Agenda, pointing out the Planning Commission's recommendation speaks to grading in the Conservation/Buffer zone. She questioned if this Conservation/Buffer was to preserve the terrain or separate one zoning classification from another. It was pointed out in this significant case, there was no significant vegetation on the site and the relandscaping would be a needed improvement. Mrs. Block moved approval of the Planning Commission's recommendation. Her motion was seconded by Mrs. Cates which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-56-84 - LAYTON GLENN - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide 15.6 acres which are currently vacant and zoned Residential-4 into 52 lots.

The property is located on the north side of Pleasant Grove Church Road, east of Pleasant Pines Drive, outside the City Limits.

CR-5045 from the Planning Commission recommended that this request be approved according to a map entitled, "Layton Glen," the property of Jordan H. Parker, drawn by James A. Bridger, Jr., dated March 30, 1984, with the condition that the off-site sanitary sewer easement deed is obtained. It is also recommended that the variance on the length of Hammersmith Drive be approved.

Planning Director Chapman explained the location and the Planning Commission's recommendation. Mr. Congleton indicated he is sure that Mrs. Block would have caught this, pointing out there is a recommendation to vary the length of the cul-de-sac, as it is proposed to be an extremely long cul-de-sac. He pointed out another question is the possibility of connecting Hammersmith Drive into Wellington Downs as that would look logical to him. He suggested the possibility of this subdivision being referred to Public Works Committee to look at that possibility. Planning Director Chapman indicated the staff recommended granting the variance because of existing development patterns in place, including Wellington Downs. Ms. Block indicated she just could not go along with a 1400 foot cul-de-sac and pointed out it would look very logical to connect the two streets, after which, by general consensus the matter was referred to Public Works Committee.

SUBDIVISION S-60-84 - SPRINGFALLS (SUSSEX PLACE) - APPROVED - QUESTION OF STREET NAME - REFERRED TO ADMINISTRATION

This was a request for approval to subdivide a 16.49 acre parcel which is currently undeveloped and zoned Residential-4 into 49 single-family lots.

The property is located on the south side of Spring Forest Road and north and south of Falls Church Road and Port Royal Road, inside the City Limits.

CR-5048 from the Planning Commission recommended that this request be approved according to a map entitled, "Springfalls (Sussex Place)," the property of F. Shields Pittman, Jr., drawn by Little and Little, dated April 20, 1984.

Planning Director Chapman explained the subdivision and the recommendation of the Planning Commission. Mr. Congleton indicated he requested that this item be withdrawn from the Consent Agenda, pointing out he feels that there are a lot of positive things about this development. He pointed out when you look at the design, however, you will notice that some of the lots will have frontage on Falls Church as well as Port Royal and he feels that might cause problems. Planning Director Chapman indicated this was reviewed by the staff. He pointed out that this is a difficult piece of property to develop. City Manager Benton indicated it is not normal to have double frontage lots, but we do have them throughout the City. Mr. Chapman indicated the acreage in this property isn't sufficient to allow clustering to avoid the double faced lots. Mr. Congleton indicated he is sure that when the grading begins, everyone will be getting calls from the adjoining property owners but he doesn't feel the developer has much choice. Mrs. Block indicated that the lots back up on a short cul-de-sac and she does not feel there will be that much traffic and it might provide additional parking. After brief discussion, Mrs. Cates moved that the Planning Commission's recommendation on this subdivision be upheld. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Mr. Congleton indicated an item that will surface as a result of this subdivision is that Falls Church and Port Royal will come together and questioned what the name of the street will be in that location. City Manager Benton indicated everyone knew that this was going to be a question and a problem and the staff would be looking at that.

PA-209 - DAVIDSON AND JONES OFFICE BUILDING - APPROVED; SCREENING AND BUFFERING ALONG MAJOR THOROUGHFARES TO BE CONSIDERED IN CRITERIA FOR SITE PLAN APPROVAL

This was a request for approval to construct a 40,800 square foot office building on a 2.08 acre parcel which is currently undeveloped and zoned Office and Institution-II.

The property is located at the southeast corner of Blue Ridge Road and Duraleigh Road, outside the City Limits.

CR-5061 from the Planning Commission recommended that this request be approved according to a map entitled, "Davidson and Jones Office Building," the property of Davidson and Jones Properties, Incorporated, drawn by Envirotek, Incorporated, dated May 1, 1984.

Planning Director Chapman explained the plan approval and the Planning Commission's recommendation. Mrs. Cates indicated she asked that this be withdrawn from the Consent Agenda indicating she wanted to make a point about O&I-I and II zoned property that has small lots and there seems to be a tendency to cover as much of the lot as possible. She stated she feels the City should have flexible standards for

screening and planning along major thoroughfares, pointing out this particular location is going to be one of the most conspicuous places along the street and she feels that it should be done as tasteful as possible. She stated the reason for the comments is that she would like to recommend that as a part of our criteria for site plan approval in Buffer/Commercial, Neighborhood Business and O&I that we make sure that there is some requirement for screening and landscaping along parking lots along major thoroughfares. She indicated in this particular development, she has talked with the developer and they have assured that landscaping will be done well and she just wanted to pull this item from the Agenda to ask Administration to include standards in the criteria being prepared for site plan approval on the three new districts. Ms. Cates moved approval of PA-209 as recommended by the Planning Commission. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-233 AND GH-179 - METHOD ROAD APARTMENTS - APPROVED

This was a request for approval to construct 12 apartment units (nine three-bedroom units and three two-bedroom units) on a .43 acre tract, zoned Shopping Center.

The property is located between Method Road and Best Shopping Center area north of Western Boulevard, inside the City Limits.

CR-5065 from the Planning Commission recommended that this request be approved according to a map entitled, "Method Road Apartments, the property of H. Spencer Barrows, drawn by Bass, Nixon and Kennedy, dated April 19, 1984.

This item was approved on the Consent Agenda, however, Mrs. Block indicated she had meant to pull it; therefore, Mrs. Block moved that the Council rescind the previous action of approving SC-233 and GH-179. Planning Director Chapman explained the request, pointing out this will be nearly the maximum density allowed by shopping center zoning. Mrs. Block moved that this item be referred to Public Works Committee. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Later in the meeting, Mrs. Block indicated she was confused on the location of this subdivision and she is really concerned with the different property in this area; therefore, she would move that the Council rescind the previous action of referring the action to Public Works Committee and move approval as recommended by the Planning Commission. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-43-84 - NORTH HILLS PROFESSIONAL PARK - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 2.87 acre parcel into two (2) lots, zoned Office and Institution-I. The site is currently developed with an office building and parking areas.

The property is located on the north side of Computer Drive, just east of Six Forks Road, inside the City Limits.

CR-5026 from the Planning Commission recommended that this request be approved according to a revised map entitled, "North Hills Professional Park," the property of Associates Realty Investors, drawn by Castleberry-Edgerton Company, revised, with the condition that a fire hydrant be installed within 300 feet of the building on Lot One.

Planning Director Chapman explained the subdivision and the Planning Commission's recommendation. He indicated this item should have been on the Planning Commission Consent Agenda as the subdivision as revised was approved unanimously by the Planning Commission. He indicated the revision included the placement of the water line in Lot Two. Mr. Walters moved the Planning Commission's recommendation as outlined on CR-5026 be upheld. His motion was seconded by Ms. Babb. Mrs. Cates indicated she understood the Public Utilities Department recommended denial with Planning Director Chapman indicating that was based on the original drawing of the subdivision but the revision being considered meets the concerns of the Public Utilities Department. After brief discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

PA-211 - THE FORUM AND SUBDIVISION S-78-84 - APPROVED WITH CONDITIONS

PA-211 was a request for approval for a three-phase project consisting of 288,535 square feet of office space in three (3) buildings. Each building will be located on its own lot. The site is currently undeveloped and is zoned Office and Institution-II and Residential-6.

The property is located just south of Strickland Road and bordered on the east by Six Forks Road and west by Leadmine Road, outside the City Limits.

CR-5063 from the Planning Commission recommended that this request be approved according to a map entitled, "The Forum," the property of Capital Associates, drawn by Jerry Turner and Associates, dated April 20, 1984, with the condition that the legal documents for the cross-parking and access agreements be reviewed and approved by the City Attorney's Office and recorded prior to issuance of building permits.

Subdivision S-78-84 was a request for approval to subdivide an 11.83 acre parcel which is currently undeveloped and zoned Office and Institution-II and Residential-6 into three (3) lots.

The property is located just south of Strickland Road and bordered on the east by Six Forks Road and west of Leadmine Road, outside the City Limits.

CR-5069 from the Planning Commission recommended that this request be approved according to a map entitled, "The Forum," the property of Capital Associates, drawn by Jerry Turner and Associates, dated April 20, 1984, with the condition that the legal documents for the cross-parking and access agreements be reviewed and approved by the City Attorney's Office and recorded prior to issuance of a building permit.

Planning Director Chapman explained the subdivision and the plan approval. He indicated the plan calls for parking spaces to be provided in the Residential-6 zoned property per power granted by the Board of Adjustment. He pointed out there is a text change being reviewed that would take the authority from the Board of Adjustment to grant permission to utilize residentially zoned property for parking, but in this particular case the variance has already been granted. After brief discussion, Mrs. Cates moved PA-211 and S-78-84 be approved as recommended by the Planning Commission. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting the in affirmative. The Mayor ruled the motion adopted.

REZONING Z-42-84 - REQUEST FOR WAIVER OF TWO YEAR WAITING PERIOD - APPROVED

This was a request that the two-year waiting period of Z-42-84 be waived.

CR-5068 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on Z-42-84 be approved according to the letter attached to Certified Recommendation 5068.

Planning Director Chapman explained the location of the request and the Planning Commission's reasons and recommendations for recommending approval. Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

APPEARANCE COMMISSION - THREE APPOINTMENTS MADE; ONE VACANCY REMAINING

The City Clerk reported one vacancy due to the resignation of Catherine Rieger. She also reported three other terms have expired - J. Myrick Howard, John P. Greene and Theresa Rosenberg. In total there are four vacancies. Nominations include: Carolyn Andrews, Bernadine Weddington, John P. Greene, J. Myrick Howard, Theresa Rosenberg and Dan Sears. Nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations to the Appearance Commission be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Carolyn Andrews - 8 (all Council Members); Bernadine Weddington - 4 (Block, Walters, Keller, Upchurch); Greene - 6 (Upchurch, Cates, Walters, Calloway, Babb, Keller); Howard - 4 (Upchurch, Cates, Walters, Calloway); Rosenberg - 3 (Block, Congleton, Babb); Sears - 4 (Cates, Block, Calloway, Keller). The Clerk announced the appointment of Carolyn Andrews and John P. Greene to the Appearance Commission of a two year term.

A second ballot vote resulted as follows: Weddington - 4 (Walters, Block, Upchurch, Keller); Howard - 5 (Congleton, Babb, Walters, Cates, Upchurch); Rosenberg - 4 (Congleton, Babb, Block, Calloway); Sears - 3 (Keller, Cates, Calloway). The Clerk announced the reappointment of J. Myrick Howard to a two year term on the Appearance Commission.

A third ballot vote resulted as follows: Weddington - 3 (Keller, Block, Upchurch); Rosenberg - 3 (Babb, Congleton, Walters); Sears - 2 (Calloway, Cates). Since no person received 5 votes, the Council agreed to wait until the next meeting to take a vote to fill the fourth position.

CIVIC CENTER AUTHORITY - APPOINTMENTS MADE

The City Clerk indicated the following terms expired June 17, 1984: Larry Zieverink, Bob Southerland, Bill Phillips, Andrew E. Dembicks, Jim Ramsey, John William Stone. The term of Clarence E. Lightner expires July 1, 1984. Nominations include Mary Ellen Hill, John William Stone, Bill Phillips, Jim Ramsey, Odell Watson, Gail Perry, Andrew E. Dembicks and John Booth. Nominations have not been closed. Ms. Babb moved that nominations to the Civic Center Authority be closed. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Hill - 6 (Keller, Upchurch, Block, Calloway, Cates, Walters); John William Stone - 7 (Babb, Keller, Upchurch, Block, Calloway, Cates, Walters); Bill Phillips - 7 (Congleton, Babb, Keller, Upchurch, Block, Calloway, Walters); Jim Ramsey - 8 (all Council Members); Odell Watson - 5 (Babb, Keller, Block, Calloway, Cates); Gail Perry - 8 (all Council Members); Dembicks - 6 (Babb, Upchurch, Block, Calloway, Cates, Walters); John Booth - 5 (Congleton, Babb,

Keller, Upchurch, Walters). The City Clerk indicated all 8 nominees received 5 or more votes and there are only 7 vacancies; therefore, those that received 6 or more would be elected to a two year term on the Civic Center Authority and a second vote would be taken between Mr. Watson and Mr. Booth, both of whom received 5 votes to determine the seventh seat on the Authority. That vote resulted as follows: Watson - 7 (Congleton, Babb, Keller, Upchurch, Cates, Calloway, Block); Booth - 1 (Walters). The Clerk announced the appointment of Odell Watson to a two year term on the Civic Center authority.

PLANNING COMMISSION - HAL MCNEELY REAPPOINTED

The City Clerk reported the term of Hal McNeely expires May 20. Nominations include: Mr. McNeely and Henry McCoy. Nominations have not been closed. Mr. Keller moved that nominations to the Planning Commission be closed. His motion was seconded by Ms. Babb which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: McCoy - 2 (Calloway, Congleton); McNeely - 6 (Keller, Babb, Upchurch, Cates, Walters, Block). The Clerk announced the reappointment of Hal McNeely to a two year term on the Planning Commission.

ARTS COMMISSION - MARTHA KERAVOURI - APPOINTED

The City Clerk reported one vacancy on the Arts Commission as a recent appointee could not serve. Nominations include: Mrs. Boots Bruner and Martha Keravouri. Nominations have not been closed. Ms. Babb moved that nominations to the Arts Commission be closed. Her motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Bruner - 1 (Walters); Keravouri - 7 (Keller, Upchurch, Block, Calloway, Cates, Congleton, Babb). The Clerk announced the appointment of Martha Keravouri to a two year term on the Arts Commission.

TRANSIT AUTHORITY - NOMINATIONS MADE

The Clerk reported the term of Irvin Rovner and Hill Carrow, Jr. expire May 20. Both have been nominated for reappointment as well as David Robinson. Nominations have not been closed. Mrs. Block nominated Captain Billy Fowler. No further action was taken.

SISTER CITY AD-HOC COMMITTEE - NOMINATIONS MADE

SISTER CITY AD-HOC COMMITTEE - NOMINATIONS MADE

The City Clerk reported this is a nine member committee plus a Councilperson who is Mr. Walters. One nomination has been made thus far. Mr. Upchurch nominated William Block. Ms. Cates nominated Mary Parker. Mr. Walters nominated J. C. Knowles. No further action was taken.

HISTORIC PROPERTIES COMMISSION - FOURTEEN PERSONS REAPPOINTED - ONE VACANCY REMAINING

The City Clerk reported the following 15 terms expire June 30, 1984. Mrs. Regan, Hall Weaver, Mrs. John T. Rice, William Bingham, Jr., Steve Stroud, Maude Morrow, Mary Lib Woods, Mary Ellen Hill, Dr. Julius Nimmons, Margie Haywood, L. W. Seegars, John Stokes, John Castleberry, Nancy C. Brooks, Frank Gailor and Ms. Susie Perry. All are eligible for reappointment except Ms. Perry. No nominations have been made. Brief discussion took place and Ms. Babb moved that the Council suspend their rules and reappoint the 14 who are eligible for reappointment which would leave one vacancy for consideration. Her motion was seconded by Mr. Calloway. Discussion took place as the whether all of the people are willing to be reappointed with Ms. Babb pointing out she would assume they would based on their attendance and participation, but if for some reason they cannot serve, then they could be replaced. The motion as stated was put to a vote and passed unanimously.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED

Mayor Upchurch indicated he had received a letter from the Chairman of the Mayor's Committee on Services to the Handicapped who submitted the name of Charles B. Brown, Jr. as a member. The nomination was excepted.

COMMITTEE OF '85 - APPOINTED

Mayor Upchurch passed out a listing of persons who have volunteered to serve on the Committee of '85. He indicated these names come from a number of different people, etc., and the Council had approved the concept of this committee and their charge; therefore, he would suggest that the names submitted be confirmed for this committee. Mr. Walters moved approval of the names as submitted. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion.

BY GENERAL CONSENSUS, THE COUNCIL TOOK A BREAK BETWEEN 2:45 P.M. and 3:10 P.M.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

SUNSET CLAUSE - ALL PLANS AND SUBDIVISIONS - PROPOSED AMENDMENT - PUBLIC HEARING AUTHORIZED

Mr. Keller reported Council Members received in their Agenda packet a proposed text change which would cause preliminary subdivision approval or any plan approval

required by the Zoning Ordinance to become invalid three years following the date of approval of same, unless a specific degree of completion of the subdivision or project for which the plan was prepared has been achieved. The text change will also repeal the portion of Section 10-2043 requiring the three year review of Shopping Center zoning. The Committee recommends that the Council schedule a public hearing on the proposed text change. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

BOARD OF ADJUSTMENT REQUEST - HAVEN HOUSE - REMOVED FROM THE AGENDA

Mr. Keller indicated the Law and Finance Committee recommends that this item be reported out with no action taken. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Walters indicated the question is whether we should allow a group care facility in apartments, pointing out Haven House is operating in an apartment complex. City Attorney McCormick indicated the Board of Adjustment has allowed a one year permit. He indicated the Law and Finance Committee discussed this and indicated that since this has been a one time thing, and since this operation that brought the question up is existing and on going, that maybe it was not necessary to change the ordinance for a one time occurrence. Mr. Walters indicated the neighbors are still concerned and he does not feel it is a good situation. Ms. Cates pointed out the Human Resources and Human Relations Advisory Committee is going to address this situation and they are on the Agenda later today and maybe we shouldn't pass a law for a one time occurrence and just wait for their report. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

TELECOMMUNICATIONS COMMISSION - RECOMMENDATION OF NO CHANGE IN PRESENT SYSTEM - UPHELD

Mr. Keller indicated by split vote, the Committee recommends upholding the recommendation of the Telecommunications Commission; that is, that the cable system design not be changed at this time to a descrambled system and that the franchise and ordinance not be amended regarding system design. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Cates.

Mr. Keller indicated for the record, this item has received a lot of attention by the City Council, public, staff, etc., and a lot of discussion has taken place. He indicated no new information came to light during the discussions, in his opinion, that would justify reopening the contract. He indicated this is an area of rapidly changing technology and if we stop and look at everything then we would be hindering our system. He indicated the contract does call for periodic reviews and he feels that is the time to look at this ever changing technology. Mr. Walters indicated he has problems with this recommendation, pointing out we have been asked to have a public hearing. He stated even though we have had a lot of input, we haven't had any input from the public at large on this item so he will have to vote "no" on the motion. Ms. Babb indicated she agreed. She stated although she is very sympathetic that we are in this particular situation and with the position taken by the Committee, her basic dissatisfaction about the franchise and the way it was awarded will cause her to have to vote "no" on this situation, even though she possibly agrees with the stance of the Committee. Mrs. Cates indicated she received information from Warren Distributing Company, talked with a number of people and based what she has heard and seen, she feels that we are getting a bargain in Raleigh. She stated in her opinion, it is a little premature to have a public hearing, as only a few people in the City have the new system so it would be impossible for most of the people to respond to the problems of the new system. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Babb and Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

RAIL PASSENGER TRANSPORTATION SERVICE - RESOLUTION OF SUPPORT ADOPTED

Mr. Council indicated Council Members received in their Agenda packet a proposed resolution of support for a new passenger train service between Charlotte, Raleigh and Richmond. On behalf of the Committee, he moved adoption of the resolution. His motion was seconded by Ms. Babb. Mrs. Block indicated she did not get a copy of the resolution but on the basis of the Committee's recommendation and her understanding that this just supports efforts to look at this possibility, she would vote for the motion. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 522

A RESOLUTION OF SUPPORT FOR AN AMTRAK RALEIGH-TO-CHARLOTTE TRAIN

WHEREAS, a study and trial run of an AMTRAK train between Raleigh and Charlotte have been completed, and

WHEREAS, the study and test indicates the feasibility of such a train through the heartland of North Carolina, and

WHEREAS, the study has shown that, with state support, the project can be implemented as early as October, 1984, and

WHEREAS, the service would provide another travel alternative in the rapidly developing "Piedmont Crescent," and would link, city center to city center, the major cities of the Piedmont, and

WHEREAS, passenger train service is virtually weather-proof and would provide mobility in cases where airports were fogged in or highways were closed due to snow or ice, and

WHEREAS, many North Carolinians and visitors do not drive due to age, physical disability, income or personal preference. Many individuals are reluctant to ride buses or to fly, and passenger trains are especially attractive to individuals in these groups.

WHEREAS, this train would provide the only daytime rail service from Piedmont North Carolina cities west of Raleigh to Washington and New York, by connecting with the AMTRAK "Palmetto" in Richmond, and

WHEREAS, AMTRAK projections of ridership would place this train at the top of the eleven 403(b) projects now operating nationally, and

WHEREAS, it would restore rail service between cities of the Piedmont Crescent for the first time since the early 1960's, and

WHEREAS, the proposed train would originate in Charlotte and thus not be subject to the potential schedule delays of a through train on its northbound trips, and

WHEREAS, the State of North Carolina owns the rail right of way between Charlotte and Raleigh and has been collecting $300,000 per annum in lease payments for use of this line from Southern Railway. (In 1994 the lease expires and the State will have an opportunity to renegotiate the lease at a higher annual rate reflecting the true value of the property), and

ALTHOUGH this service will cost the State approximately $750,000 the first year and $500,000 per year thereafter, two facts should be remembered:

a) It cost $100 million to widen only 16 miles I-85 in Mecklenburg County, so the cost of developing this alternative mode is relatively low, and

b) AMTRAK has indicated that, should the revenues generated by this service meet its avoidable costs, AMTRAK would consider incorporating the service into AMTRAK's national system. Should this occur, the State would have no further financial obligation, and

WHEREAS, the proposed train could help alleviate the ever increasing highway traffic volume in the heavily populated Piedmont and provide an excellent transportation and energy conservation alternative for its citizens,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council supports the concept of creation and operation of AMTRAK Raleigh-to-Charlotte train; and

Section 2. That the City Council requests that DOT Secretary Roberson, Governor Hunt and the N. C. General Assembly support and implement the train at an early date.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

UNFIT BUILDING - 514 EAST MARTIN STREET - REPEALER ORDINANCE ADOPTED

Mrs. Block reported the Public Works Committee recommends the repeal of Ordinance No. 266 which declares the dwelling at 514 East Martin Street unfit. The Committee was advised this property has been purchased by the Raleigh Housing Authority. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-350

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1983-266 RELATING TO THE PROPERTY LOCATED AT 514 EAST MARTIN STREET, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1983-266 relating to the property located at 514 East Martin Street and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1983-266 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective may 15, 1984.

LAKE JOHNSON POOL SITE - ALTERNATIVE B SELECTED

Mrs. Block indicated the Committee, members of the staff and media went on a field trip in the Lake Johnson area and looked at all available sites and the Committee recommends approval of Site B for the pool. On behalf of the Committee, she so moved. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NORTHWEST LAND USE PLAN UPDATE - INFORMATION RECEIVED

Ms. Babb reported the Comprehensive Planning Committee received the Administrative comments on the Northwest Land Use Update and these were forwarded to the various advisory groups for input at the Comprehensive Planning meeting on June 11, 1984. She indicated any of the advisory committees or anyone who wanted to have input should get this to the Planning Department prior to the June 11 meeting so it could be included in the Agenda packets. The item was received as information.

GLENWOOD/BROOKLYN TASK FORCE - INFORMATION RECEIVED

Ms. Babb indicated the Glenwood/Brooklyn Task Force efforts are on-going. She stated they have two more meetings, the next two Wednesday nights and she would encourage any Council Members to attend these meetings. Mrs. Cates indicted the next meeting would convene at 6:00 p.m. in the parking lot of the School Board administrative offices for a walking tour and the meeting would be at the Jaycee Module.

Ms. Cates indicated in reading the Comprehensive Planning Committee meeting, Mr. Neubauer in response to questioning about how to zone for quality development, made the statement that you could not; however, if the City made some technical changes in the Zoning Code and developed strong performance standards, we could insure quality development. She stated she just wanted to throw this out in hopes that it will be considered in our Zoning Code review.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

NONE

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

COUNCIL CHAMBER - DESIGN MODIFICATION - APPROVED - FUNDS APPROPRIATED

Mrs. Block indicated the Committee recommends approval of a work contract to enlarge the platform area, pointing out the Committee was advised that the approximate cost would be in the range of $3,000. On behalf of the Committee, she moved the recommendation be upheld. She indicated this would be construction costs only. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 346 TF 22.

CITY COUNCIL OFFICE FURNITURE - FUNDS APPROPRIATED

Mrs. Block indicated Council Members received in their Agenda packet a list of recommended furnishings for the City Council offices. She indicated the Committee recommends purchase of the furniture for the Mayor's office and reception area, as indicated with the source of funds being City Council Contingency. She indicated the approximate cost is $14,000+, but pointed out that the existing furniture in the Mayor's Office will be moved to the City Manager's Office and other offices throughout the building. She stated this may seem like a lot of money but we are furnishing the Council Office as well as utilizing the existing furniture in other locations which will allow us not to have to purchase additional furniture there. She indicated the furniture presently in the Council Office she understands is the same furniture that was purchased when the Council first got offices and we are buying the same brand. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 346 TF 22.

Mrs. Block indicated there are a couple of items still pending in Committee on this item.

REPORT AND RECOMMENDATION OF THE HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - SEMI ANNUAL REPORT - REFERRED TO LAW AND FINANCE COMMITTEE

Roland Gammon, representing HRHRAC, indicated that Committee was charged with studying and making recommendations to the Council on the general issues of shelters for homeless individuals in the City. He indicated they did have a public hearing which was new to all of the Committee and a lot of people came out and were heard. He indicated since the hearing, they have received a lot of letters and have talked to a lot of people about this item. He stated they found that the ordinance structure to be somewhat complicated. He pointed out he has yet to have come to a City Council meeting that he did not hear some comments related to what is known as non-standard

living situations, pointing out a standard living situation is a family in a single-family home, etc. He indicated they found an array of circumstances and information regarding the homeless population and some very broad topics were addressed. He indicated they looked at who needs shelters, who provides shelters and under what circumstances the shelters are provided. He stated they heard the private sector coming forth and saying that they wanted to help in that situation, pointing out in realty they had more people to come to the hearing to say they wanted to help than people who come to the hearing to ask for help. He indicated they did hear a strong out pouring of various individuals and people expressing frustration at having to deal with the different ordinances of the City. He indicated; however, one of the frustrating points of the public hearing is that he believes that there were people who wanted to speak up but didn't. He indicated he knew that there were neighborhood concerns relating to the shelters but these people did not speak up. He indicated he tried to analyze the kinds of uses, locations and where they should be located. Mr. Gammon briefly went over the findings of HRHRAC as it relates to who needs the services, who provides the services, etc. He indicated Part III of their annual report made five major points and a recommendation as follows:

1. RECOMMENDATION:

I. Encourage provision of shelters by private groups (volunteer, non-profit and profit) within public guidelines.

II. State clearly the responsibility of the City to assure that needed shelter services are provided by appropriate public or private groups.

A. City designate HRHRAC to review periodically the need for and placement of shelter services.

B. This would not remove the requirements for Board of Adjustment approval.

III. Recognize diversity of groups needing shelter services.

Create two (2) categories of shelter services based on impact on neighborhoods and needs of persons receiving services:

A. Family based (for example):

crisis family, unwed mothers, youth, abused women

B. Individual based (for example):

ex-offenders, street people

IV. Recognize that residential neighborhoods are desirable locations for shelters serving many of the groups needing shelter services.

V. Further recognize that when neighborhood location is desirable, the City should encourage all neighborhoods to share the responsibility of having shelters in their boundaries.

A. Freeze current level of shelter services within one (1) mile of the Capital until further notice with two (2) exceptions:

1. One (1) emergency shelter for women
2. One (1) ex-offender shelter for men

B. Limit shelters to zoning areas as follows:

1. Family based: R, O&I, NB, B
2. Individual based: NB, B, O&I (exclusive of Residential)

C. City Council consider possibility of replacing arbitrary 3/4 mile separation between group homes with a formula that shortens distance with increased density.

2. RECOMMENDATION

The City Council shall authorize the HRHRAC to form a task force to develop the formula for distribution of shelters according to zoning density.

In presenting the recommendation, Mr. Gammon explained the Committee's findings, etc. He indicated among the four different types of group care facilities there is a radius requirement as it relates to each type facility, but as they read the present ordinance, there is no radius requirement separating them from each other, therefore, there could be a situation where you would have a shelter of each type side by side along the street and maybe the Council should look at the relationship of density rather than radius requirements. Mrs. Block indicated she had read the report given the Council in detail, but the thought has occurred to her that if it is related to density, it will make it even more difficult to rezone medium or high density residential land than it currently is. She spoke briefly to the intention of establishing each type facility. Mrs. Cates expressed appreciation to the HRHRAC for their hard work and by general consensus, it was agreed to refer their recommendations to

the Law and Finance Committee. Mayor Upchurch indicated when the Committee discusses this, he would like for them to consider one other thing, that is, how to involve the various groups, churches, etc., that are working in this type field to come forth with a funding mechanism, that is, what avenue could the City use to get all of these people involved and organized. Ms. Babb indicated she, too, was glad that the matter was being referred to committee and expressed appreciation to HRHRAC for their work. She indicated this issue has been worked through very carefully and the one thing that she feels needs to be looked at more carefully is Item 3 in which HRHRAC is suggesting two categories of shelters. She indicated it is very difficult to determine the best way to handle the situation, but the two groups - "more like us" versus "bad guys" made her a little uncomfortable. She indicated we have to recognize that everyone is an individual that belongs to a family somewhere and maybe we could focus on dividing the shelters into long-term versus short-term rather than "good guys" "bad guys".

REPORT AND RECOMMENDATION OF THE WORK SESSION

FALLS LAKE GROWTH MANAGEMENT STRATEGY - VARIOUS ACTIONS TAKEN; REFERRED TO PUBLIC WORKS COMMITTEE TO WORK OUT DETAILS

Mayor Upchurch indicated during the Work Session, the Council voted to implement the following relating to Falls Lake:

Growth Management Strategy for that Portion of Falls Watershed Within Raleigh's Jurisdiction

(1) To be Accomplished through the City's Zoning Regulations

a. No additional nonresidential zoning should be granted within the City's portion of the watershed. (At present, there are 8.5 acres of shopping center and 3.4 acres of office zoning within the watershed.)

b. Existing nonresidentially-zoned land, but with the ability to have residential units developed on it (for example: 25 residential units per acre are permitted within the Office and Institution-I zoning category, while 30 residential units per acre are permitted within the Shopping Center zoning category), should be encouraged not to develop their residential unit potential.

c. Recognizing that some residential development is appropriate and necessary in the watershed, the majority of those residential units to be permitted in the watershed should be concentrated on land appropriate for such development, located south of the proposed outer beltloop corridor.

d. Land deemed not appropriate for development should be zoned Conservation/Buffer. (A study has been made of the acreage, within Raleigh's portion of the Falls Watershed, to determine what land is appropriate for development and what land is not appropriate for development. Land containing 15% or greater slopes and/or soils not suitable for urban type uses were placed in the not appropriate for development category. It was determined that of the approximately 2,800 acres within Raleigh's part of the Falls Watershed, about 2,123 acres (76%) are appropriate for development while 614 acres (24%) are not appropriate for development.)

e. The Conservation/Buffer zoning district should be strengthened to prohibit certain of its current (and proposed) uses, especially the cutting down of trees and the creation of large impervious surfaces.

f. A new zoning category called RURAL-RESIDENTIAL, having a residential density of one dwelling unit per two acres of land, should be adopted for use within both this watershed area and other possible areas.

g. Maximum limits for impervious surface coverage, in all new developments within the watershed, should be implemented:

1. Six percent (6%) maximum impervious surface coverage in areas zoned Rural-Residential.

2. Six percent (6%) maximum impervious surface coverage in areas zoned Residential-1 (with no clustering provision).

3. Twelve percent (12%) maximum impervious surface coverage in areas zoned Residential-1 (with a clustering provision and served by a nondischarge wastewater system).

4. Thirty percent (30%) maximum impervious surface coverage in areas zoned Residential-4, and only if served by the City of Raleigh wastewater system.

h. The City's cluster regulations should be strengthened to insure both adequate provision of open space and efficient provision of wastewater services, which would permit adequate design opportunities to minimize pollution from storm water runoff.

(2) To be Accomplished Through the City's Subdivision Regulations

a. A provision that would insure a fifty foot undisturbed vegetative buffer along stream banks (on each side of a perennial stream) should be incorporated into the subdivision regulations.

b. A provision to control the first half-inch of storm water runoff should be incorporated into the subdivision regulations.

(3) To be Accomplished Through Other City Regulations

a. The proposed outer beltloop should be located as far (south) away from the Falls Lake as possible.

b. When the outer beltloop facility is built, every precaution should be taken to protect the water quality in the Falls Lake, by maximizing the use of detention and sedimentation controls, both during and after construction. In some instances, roadway design could be used to enhance control of storm water runoff in the watershed.

c. The need for outer beltloop interchanges within the Falls Watershed should be restudied, with the goal of minimizing their number.

d. Every effort should be made to keep intensive development away from the (necessary) interchanges.

(4) Transitional Development Pattern

This development pattern, using the proposed outer beltloop corridor as a boundary, would allow Rural-Residential and Conservation/Buffer zoning north of the proposed beltloop. The area south of the proposed beltloop would retain the existing Residential-1 zoning although clustering (to achieve this density) would only be permitted where the City wastewater collection and treatment system was used. All wastewater would be pumped out of the Falls Basin before treatment and discharge. Also, the majority of the beltloop right-of-way would be included in the Conservation/Buffer zone to provide City Council greater control over grading and drainage in this sensitive area, and to allow the transfer of density from the right-of-way to adjacent land appropriate for development.

Mr. Congleton moved the recommendation of the Work Session be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

City Manager Benton indicated Council Members received a memo from the Planning Director outlining steps necessary to implement this strategy and it is recommended that this item be referred back to the Public Works Committee to work out needed structure, resolutions, ordinances, etc. Without objection, the item was so referred.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

PERSONNEL - AMENDMENT TO STANDARD PROCEDURE RELATING TO TRANSFER OF SICK LEAVE - APPROVED

Administration proposes an addition to Standard Procedure 300-11, Sick Leave, that would permit the City to accept a portion of sick leave for new employees transferring from other governmental agencies of this State. The use of this policy would be discretionary rather than wholesale, with approval of the City Manager, as a recruitment negotiating tool. The provision is as follows:

> When authorized by the City Manager, a new employee hired by the City, whose immediate past employer was the State of North Carolina or any of its political subdivisions, may transfer a portion of his/her accumulated sick leave, up to a maximum of 30 days. The City may accept any amount up to the maximum to be determined by the City Manager upon recommendation of the Personnel Director.

The Civil Service Commission considered Administration's proposal and recommends a non-discretionary policy that would allow all employees transferring from other governments to transfer a portion of their sick leave. Their proposed provisions read as follows:

> A new employee hired by the City whose immediate past employer was the State of North Carolina or any of its political subdivisions, may transfer a portion of his/her accumulated sick leave, up to a maximum of 30 days. The rate of exchange would be the prevailing rate for new employees of one day per month.

As can be observed, the administrative proposal was not agreeable to the Civil Service Commission. The City Code requires that all Personnel Procedures be reviewed by the Civil Service Commission and their advisory recommendation submitted to the Council. The Council has the ultimate responsibility to approve the Personnel Policies.

To a good employee, their sick leave accumulation is a valued benefit. If the City recruits an employee who is working for a State or local government in North

Carolina, they must come to work with the City with no sick leave and commence earning it at a rate of one day per month. The administrative proposal was intended to be in the spirit of the City's Pay Policy of allowing the hiring of a person at a pay level above Step 1 (up to Step 4) if the person was to be a strong asset and was well qualified. This action is taken only with the approval of the City Manager.

While it is felt that the administrative proposal is proper, you may wish to consider an alternative which would allow an automatic transfer of seven days and up to 30 days with the City Manager's approval.

Recommendation: It is recommended that suggested option of seven days automatic and 30 days option be approved.

Mrs. Block moved the Manager's recommendation be upheld. Her motion was seconded by Ms. Babb. Mr. Congleton questioned what the City Manager sees in terms of cost to the City as it relates to this item questioning if it is a significant amount. City Manager Benton indicated that not a lot of individuals would be involved, with Mr. Congleton questioning why we did not accept the total amount. City Manager Benton indicated his recommendation is so that Administration could look at each case to be sure that we are satisfied with that employee's past record and it is just a little more conservative approach. Mr. Congleton pointed out generally, a person coming into the system with a lot of sick leave doesn't take much sick leave. He indicated you can look at a person's record and if they take sick leave on a regular basis, then this would not be a concern to them, but if a person accumulates a great deal of sick leave, it would be of great concern to them if they had to loose it in order to take a job with the City; therefore, he offered a substitute motion that the City accept the full amount of the sick leave. His substitute did not receive a second. Mrs. Cates indicated she has a problem with this and was ready to make a motion for a seven day maximum. Mr. Walters indicated he shared that concern but he feels that this is a tool for the City Manager to use in attracting employees. He indicated he will reluctantly support this motion only because it will give the City Manager an additional hiring tool to attract qualified people. Mr. Walters indicated he wanted to make sure we are talking about transferring the leave in North Carolina only. Mr. Congleton again indicated the good employees are ones that will show up and you don't have to worry about them taking sick leave. He indicated in the local government retirement system it is an incentive not to use your sick leave, as it can be used for retirement purposes. He stated in his opinion, it is a disservice to governmental employees to say we don't care what they got in other locations, that we are not going to transfer it, with Mrs. Cates pointing out that people who have a lot of sick leave a lot of times are people who do not keep good records. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

CITY MARKET PROJECT - REDEVELOPMENT BONDS INDUCEMENT RESOLUTION - ADOPTED; MAYOR AUTHORIZED TO SEND LETTER TO HUD

It is necessary for the City Council, as the designated Redevelopment Commission, to adopt a "bond inducement resolution" for the issuance of tax-exempt redevelopment bonds for the City Market Project. This is one of the steps needed for approval of the UDAG application. The purpose of the resolution is to allow the developer to approach financial institutions and obtain a commitment letter to purchase the bonds.

In addition, it is noted that the UDAG application has been submitted to HUD for review. They have advised the City that a stronger assurance from the City is needed that states the City's willingness to exercise eminent domain to control the site. The previously adopted resolution is not of sufficient strength.

Recommendation: It is recommended that the Council adopt a bond inducement resolution for the issuance of tax-exempt redevelopment bonds for the City Market Project.

It is also recommended that the Council authorize the Mayor to send a letter to HUD which would state the City's willingness to use eminent domain authority to acquire the property for the project in the event that the developer is not able to do so or is not able to reach an agreement with property owners for their direct participation in the project. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-521

RESOLUTION EXPRESSING THE INTENT OF THE REDEVELOPMENT COMMISSION OF THE CITY OF RALEIGH TO ISSUE ITS URBAN REDEVELOPMENT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $3,800,000, THE PROCEEDS OF WHICH WILL BE LOANED TO CRANSTON DEVELOPMENT COMPANY TO FINANCE THE ACQUISITION, CONSTRUCTION, REPAIR, REHABILITATION OR RECONDITIONING OF A CERTAIN REDEVELOPMENT PROJECT PURSUANT TO THE NORTH CAROLINA URBAN REDEVELOPMENT LAW

WHEREAS, the North Carolina General Assembly has enacted Article 22, Chapter 160A of the North Carolina General Statutes, as amended, commonly referred to as the North Carolina Urban Redevelopment Law (hereinafter called the "Act"), providing for the creation of redevelopment commissions designed and authorized to acquire, replan, hold, rehabilitate, repair, rebuild, and otherwise redevelop "redevelopment areas" (as defined in the Act) in order to promote the economically and socially sound development of such areas; and

WHEREAS, the Act authorizes redevelopment commissions, among other things, to carry out plans for a program of voluntary or compulsory repair, rehabilitation, or reconditioning or buildings and other improvements in redevelopment areas, including

the making of loans therefore, and to engage in programs of assistance and financing, including the making of loans, for rehabilitation, repair, construction, acquisition or reconditioning of residential units in a redevelopment area; and

WHEREAS, the Act also authorizes redevelopment commissions to issue their bonds (hereinafter called the "Bonds") from time to time for any of their corporate purposes; and

WHEREAS, the Raleigh City Council (the "Authority"), pursuant to Section 160A-505 of the Act, has been designated to perform the powers, duties and responsibilities of a redevelopment commission under the Act; and

WHEREAS, the Authority believes that redevelopment areas both residential and non-residential in nature exist in the City of Raleigh, North Carolina (the "City") and that the redevelopment of such areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and

WHEREAS, the Authority certifies that the existing buildings referred to in Exhibit A attached hereto and incorporated herein by reference (the "Properties") are located in a redevelopment area of the City known as the Downtown East/East side Redevelopment Area: and

WHEREAS, Cranston Development Company, (the designated preferred redeveloper) has submitted to the Authority redevelopment proposals for the acquisition, construction, repair, rehabilitation or reconditioning of the Properties for the respective uses described in Exhibit A attached hereto and incorporated herein by reference (collectively the "Project"), all in accordance with and subject to the Act and the Old City Market Redevelopment Project Plan adopted pursuant to the Act; and

WHEREAS, the Authority has indicated its intent to assist in the financing of the acquisition, construction, repair, rehabilitation or reconditioning of the Project by the issuance of its Bonds in an aggregate principal amount not to exceed $3,800,000 pursuant to the Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Authority, a lawful quorum having been duly assembled, as follows:

Section 1. The Authority, acting in its capacity as a redevelopment commission, hereby expresses its intent, subject to the terms and conditions hereinafter set forth, to issue pursuant to the Act its Bonds in an aggregate principal amount not to exceed $3,800.00, the proceeds of which will be loaned to the Redeveloper to finance the acquisition, construction, repair, rehabilitation or reconditioning of the Project in accordance with and subject to the Old City Market Plan of the Authority.

Section 2. The Bonds shall be mortgage revenue bonds and the principal of, premium, if any, and interest on the Bonds shall be payable exclusively from and secured by a first lien on the Project and the income, proceeds and revenues of the Project and any other sources acceptable to the Authority, and the Bonds shall be nonrecourse as to the Authority of its successors or assigns and the sole recourse for a default on the Bonds and the documents providing security for the Bonds shall be foreclosure on the collateral securing the Bonds not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction.

Section 3. The issuance by the Authority of the Bonds and the loan of the proceeds thereof are expressly conditioned upon the following:

a) the acceptance of the Redeveloper's redevelopment proposals by the Authority; and

b) the execution of a redevelopment contract for the Project satisfactory to the Redeveloper and the Authority; and

c) compliance by the Redeveloper with all of the applicable provisions of the Act and the redevelopment contract; and

d) the unqualified opinion of independent bond counsel for the Authority that the issuance of the bonds and loan of the proceeds are authorized by law and will not result in a violation of any applicable laws, order, rules or regulations of any governmental authority, or of any injunction, judgement or decree of any court or of the charter and by-laws of the Authority, provided that in the event the opinion of bond counsel is qualified, the Redeveloper shall procure a purchaser or purchasers of the Bonds willing to agree in advance to accept a legal opinion which is qualified; and

e) the closing of the issuance of and the sale of the Bonds being no later than December 31, 1984; and

f) the issuance of the Bonds and the loan of the proceeds thereof being at no cost to the Authority or the City; and

g) any other conditions required by the Authority or the City in connection with the issuance of Bonds and the loan of the proceeds thereof.

Approved, and adopted this 15th day of May, 1984.

The City of Raleigh (hereinafter referred to as "City"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on that date specified above, upon surrender hereof, the principal sum shown above and to pay to the registered owner hereof interest thereon from the date of this bond until it shall mature at the rate per annum specified above, payable January 1, 1985 and semi-annually thereafter on July 1 and January 1 of each year. Principal of this bond is payable by check by _____, in _____, _____, as disbursement agent, or by the duly appointed alternate or successor disbursement agent (the "Disbursement Agent"), in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts. Interest on this bond is payable by check by the Disbursement Agent and mailed to the registered owner hereof at his address as it appears on the bond registry books of _____, as transfer agent and bond registrar (the "Transfer Agent"), at the close of business on the fifteenth calendar day next preceding each semi-annual interest payment date.

This bond is transferable by the registered owner hereof or his duly authorized attorney at the principal office of the Transfer Agent, upon surrender of this bond, accompanied by a duly executed instrument of transfer in form and with guaranty of signature satisfactory to the Transfer Agent, and upon payment of any taxes or other governmental charges incident to such transfer. Upon any such transfer, a new registered bond without coupons of the same maturity and in the same aggregate principal amount will be issued to the transferee. The person in whose name this bond is registered shall be deemed the owner hereof for all purposes, and the City and the Transfer Agent shall not be affected by any notice to the contrary.

(Following paragraph to appear only in Recreational Facilities Refunding Bonds.)

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act and a bond order adopted by the City Council of the City on May 1, 1984, to provide funds to advance refund the outstanding Recreational Facilities Bonds, Series 1982, dated July 1, 1982, of the City.

(Following paragraph to appear only in Water Refunding Bonds.)

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to Subchapter IV of The Local Government Finance Act and a bond order adopted by the City Council of the City on May 1, 1984, to provide funds to advance refund the outstanding Water Bonds, Series 1982, dated July 1, 1982, of the City.

The bonds maturing on and after July 1, 1993 shall be subject to redemption prior to their stated maturities at the option of the City on or after July 1, 1992, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (½ of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent of such principal amount. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot. If less than all of the bonds of different maturities are called in for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the principal amount of a single bond is to be redeemed, the City shall exchange a bond of the denomination representing the portion of the bond not redeemed to the registered owner in exchange for the bond, a portion of which is to be redeemed. Whenever the City shall elect to redeem bonds, notice of such redemption of bonds, stating the redemption date, redemption price and identifying the bonds or portions thereof to be redeemed by reference to their numbers and further stating that on such redemption date there shall become due and payable upon each bond or portions thereof so to be redeemed, the principal thereof, redemption premium and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, shall be given by publication at least once in a newspaper of general circulation in the City of Raleigh, North Carolina and at least once in a daily newspaper of general circulation or a financial journal distributed in the Borough of Manhattan, City and State of New York not less than 30 days prior to the redemption date fixed in said notice. Such notice shall be given not less than 30 days nor more than 60 days prior to the redemption date in writing to the registered owners, by pre-paid first class mail, at their addresses as such addresses appear on the records of _____, as bond registrar, but any failure in respect of such mailing will not affect the validity of the redemption.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose until the certifications herein shall have been signed by authorized representatives of the Local Government Commission of North Carolina and [transfer agent].

IN WITNESS WHEREOF, the City has caused this bond to bear the facsimiles of the signatures of the Mayor and City Clerk and a facsimile of the corporate seal of the City to be imprinted hereon and this bond to be dated June 1, 1984.

(SEAL)

(facsimile signature)
City Clerk

(facsimile signature)
Mayor

Transfer Agent's Certificate of Authentication

This bond is one of the bonds of the issue designated herein and issued under the within-mentioned bond order.

[TRANSFER AGENT]

By:_____
Authorized Signatory

Date of Authentication_____

The issue hereof has been approved under the provisions of The Local Government Bond Act.

(facsimile signature)
JOHN D. FOUST
Secretary of the Local Government Commission

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____, the within Bond and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particulare, without any alteration whatsoever.

Signature Guaranteed:

_____

9. Actions taken by officials of the Issuer to select disbursement and transfer agents, and a bond registrar, to alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

10. The Local Government Commission of North Carolina is hereby requested to sell said bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

11. The Mayor and City Clerk of the Issuer are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over the the registrar and transfer agent of the Issuer for delivery to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

12. The Mayor, the City Manager and the Finance Director of the Issuer are hereby authorized to assist in the preparation and circulation of an Official Statement in connection with the offering of the bonds. Said officials of the issuer are authorized to execute said Official Statement.

The motion having been duly seconded, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Ms. Babb, Ms. Block, Ms. Cates, Mr. Congleton, Mr. Keller, Rev. Calloway, Mr. Walters, Mayor Upchurch

NAYS: None

BUDGET - PROPOSED FY84-85 - RECEIVED - PUBLIC HEARING AUTHORIZED FOR JUNE 5

City Manager Benton presented the proposed budget for FY84-85 and read the budget message in full. He indicated a copy is being given to the City Clerk for public inspection. Assistant City Manager Yates gave a presentation outlining the change in tax base distribution, change in tax levy distribution, tax base growth, tax rate comparison, proposed property tax, etc. He indicated the budget submitted by the Manager does not advocate any utility rate increases, a 5.5% general wage adjustment, 43 new employees and a 62¢ tax rate. Without discussion, Mrs. Cates moved that a public hearing be scheduled for June 5, 1984 to receive public input on the proposed budget including revenue sharing funds. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

Brief discussion took place and the Council scheduled the following times and dates for Work Session to review the budget: May 24 - 3:00 p.m.; May 29 - 9:00 a.m.; May 31 - 9:00 a.m.; June 7 - 3:00 p.m.; June 14 - 3:00 p.m. (if needed), with the hope of adopting the budget at the June 19, 1984 Council Meeting.

OPTIMIST POOL - ELECTRONIC SCOREBOARD - AGREEMENT APPROVED - FUNDS APPROPRIATED

The City currently has an electronic timing system for use at competitive events including swim meets at Optimist Pool. A display element is not owned by the City.

The Optimist Club of Raleigh and the Raleigh Area Masters Swim Team have been working with the Parks staff on the feasibility of providing an electronic scoreboard. A proposal has been submitted to the City which would involve the Optimist Club paying the City for the cost of such a unit (approximately $14,200) over a seven year period. Under this proposal, the City would purchase the scoreboard so that it could be used this summer and the Club would subsequently make their periodic reimbursement payments to the City. The estimated life of such a unit is indicated to be approximately 15 years.

Recommendation: It is recommended that the Council approve an agreement with the Optimist Club as outlined above and authorize the purchase of the scoreboard at this time. A transfer of funds from Council contingency would be necessary as no funds are budgeted for this project.

Mr. Congleton indicated he felt this was an excellent proposal and he would move approval as recommended. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 346-TF 22.

HOLIDAY SCHEDULE - FY84-85 - APPROVED

Each year, it is necessary that the City Council consider and approve the holiday schedule for City employees.

The following schedule is proposed. It is the same basic schedule as used in the past and provides 10 holidays.

HOLIDAY	DATE OBSERVED	DAY
Independence Day	July 4, 1984	Wednesday
Labor Day	September 3, 1984	Monday
Veterans Day	November 12, 1984	Monday
Thanksgiving	November 22, 1984	Thursday
	November 23, 1984	Friday
Christmas	December 24, 1984	Monday
	December 25, 1984	Tuesday
New Year's Day	January 1, 1985	Tuesday
Easter	April 8, 1985	Monday
Memorial Day	May 27, 1985	Monday

Recommendation: Council approval of this schedule is recommended. Mr. Keller moved approval of Administration's recommendation on the FY84-85 Holiday Schedule. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING ANNEX RENOVATIONS - FUNDS APPROPRIATED

Pursuant to Council approval on May 1, bids for renovation to the old Municipal Building have been approved. The following fund transfers are needed to establish the appropriate contract budget accounts.

Transferred From:		
34-2-3806-0100	Municipal Bldg. Renovations	$134,470.00
Transferred To:		
34-2-3806-0108	Modifications-Projects 1-2-3	$ 80,350.00
34-2-3806-0109	Reroof Old Municipal Building	54,120.00
		$134,470.00

Recommendation: It is recommended that this transfer be approved. Mr. Keller moved approval as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 346 TF 22.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE

REPORT OF MAYOR AND COUNCIL MEMBERS

FRIENDS OF ROADS - MEETING ANNOUNCED

Mayor Upchurch indicated Lacy Reeves called and indicated Friends of the Roads would meet on Wednesday, May 16 at 4:00 p.m. at the Holiday Inn and invited all Council Members to attend. The item was received as information.

PERSONNEL - EVALUATION OF THREE COUNCIL EMPLOYEES - FORM TO BE SUBMITTED

Mayor Upchurch indicated each year the City Council does an evaluation of the three employees employed by the Council - City Manager, City Attorney and City Clerk. He presented evaluation forms to each Council Member and asked that they be returned to him no later than May 29. He stated at that time, he would consolidate the evaluations and then the Council could schedule a session with each of these employees for their individual evaluations.

THEATRE IN THE PARK - STATUS OF ROOF REPAIRS - REFERRED TO ADMINISTRATION

Mrs. Block indicated she would like to ask the status of the improvements to the Theatre in the Park roof. She indicated there has been considerable publicity about the leaking roof lately and pointed out she thought the Council had appropriated money for these repairs. City Manager Benton indicated he did not recall where it is in the Capital Improvement Program. He indicated there is a considerable amount of money in the Capital Improvement Program for various roof repairs, but he was not totally sure if this was included. Mrs. Block indicated when she was on the City Council last term, that Theatre in the Park had trouble with the roof leaking and she thought it had been repaired. City Manager Benton indicated there are two roofs, a lower roof and a higher roof and a couple of years ago the City did do some work on the lower roof. After brief discussion, Mr. Benton indicated he would supply Council with information as the the status of the roof repairs.

PARK EQUIPMENT - CENTRAL MOBILE HOME PARK - REFERRED TO ADMINISTRATION

Mr. Calloway indicated the parents of Central Mobile Home Park had questioned if the Parks and Recreation Department could put some small pieces of recreation equipment on land that the owner would be willing to dedicate. He indicated this is not too far from a City park; however, the mobile home park has many small children and they would like some type small play equipment. He asked if there is a possibility that the Parks and Recreation Department could assist in this request. Without discussion, the item was referred to Administration.

CAPITAL AREA TRANSIT - SERVICE TO DOROTHEA DIX HOSPITAL - REFERRED TO ADMINISTRATION

Mr. Calloway indicated he had received some calls questioning whether the CAT bus could go on to the Dorothea Dix Hospital property while it is making its rounds in this area. He indicated many State offices have moved to that location and many of the employees are driving to work but would be willing to ride the bus if it could circulate through the campus. City Manager Benton indicated he knew there are a couple of bridges that cross Rocky Branch that do not have the load capacity to handle large equipment; however, he would be glad to look into the matter. Without objection, the item was referred to Administration.

CAPITAL IMPROVEMENT PROGRAM - BREAKDOWN OF RESERVES REQUESTED - REFERRED TO ADMINISTRATION

Mrs. Cates indicated she would like to see a breakdown of Capital Improvement Resources that are being held in reserve by fund. Without objection, the request was referred to Administration.

AGENCY REQUEST - FORMS - ADMINISTRATION TO SUPPLY INFORMATION

Mrs. Cates indicated she received material about the agencies request and the forms they filled out for the Human Resources Department. She indicated some of the agencies do have budgets but the budgets were not supplied to Council Members and questioned if Administration had copies of the budgets. City Manager Benton indicated Administration does have additional information on the agency request but copies of everyone's total budget was not run for the Council Members because of the volume. Mrs. Cates indicated she is mainly interested in the other sources of funding these agencies received with Mr. Benton indicating if she would provide a list, he would be glad to have the information provided.

HAZARDOUS MATERIALS ORDINANCE - INFORMATION REQUESTED

Mrs. Cates indicated she understands that Durham has a Hazardous Materials Ordinance for the Falls Watershed and she would like to see a copy of that if it could be made available. The request was referred to Administration.

ARTS - GRASSROOTS FUNDS - RESOLUTION ADOPTED; MATTER REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Walters presented a proposed resolution requesting that the Wake Delegation support the proposal that the State Legislature increase the appropriation to the North Carolina Arts Council by $2 million so that Grassroot Arts Programs funds could be raised to $1.4 million or 23.262¢ per capital which would bring the Raleigh Wake County allocation to $73,197, which would make more funds available to local groups through other State Arts Council Grant categories. Mr. Walters read the resolution in full and moved its adoption and requested that it be sent to Governor Hunt and the Wake Delegation. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 523

WHEREAS, the Raleigh City Council takes pride in and supports the arts programs that enhance the quality of life for its citizens; and

WHEREAS, the Raleigh Arts Commission is local distributing agent of funds from the North Carolina Arts Council's Grassroots Arts Program and reports that requests from local arts agencies always exceed the amount allocated to Raleigh/Wake County, with those for 1984-85 totalling $74,450; and

WHEREAS, with the current appropriation to the North Carolina Arts Council, the Grassroots Arts Program funding level is $850,000--or 14.123¢ per capita, which brings Raleigh/Wake County's 1984-85 allocation to $44,441; and

WHEREAS, our local arts agencies seek funding from the North Carolina Arts Council in such other of its grant categories as Salary Assistance, Special and Creative Projects, Government Challenge; etc.;

BE IT RESOLVED, THEREFORE, to request that the Wake Delegation support the proposal that the State legislature increase the appropriation to the North Carolina Arts Council by $2 million, so that Grassroots Arts Program funds would be raised to $1.4 million or 23.262¢ per capita, bringing Raleigh/Wake County's allocation to $73,197, and so that more funds would be available to local groups through other of the State arts council's grant categories.

Mr. Walters indicated in addition to sending it to the Wake Delegation and Governor Hunt, he feels it would be appropriate to refer this item to Intergovernmental Committee so that it can be discussed with the Wake Commissioners to see if they would take the same position of support of the increased allocation. Without objection, the item was referred to Intergovernmental Committee.

DRAINAGE PROBLEMS - NORTH SHORE AREA - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Walters indicated there is some drainage problems in the North Shore area and Calvary Drive and other streets in the area are being extended. He pointed out there is a 24-inch pipe being placed under Calvary Drive and there is a proposal to put in three additional 60-inch pipes. He stated he feels that this run-off could have a very serious impact on the North Shore community and he would request that the item be referred to Public Works Committee. Mrs. Cates questioned if calculations have been made to determine if the culvert could handle this much flow and its impact downstream. Mr. Walters indicated he felt we do check on how much pipe is needed but he feels the City errs in that they do not consider the impact downstream. Discussion took place on when the installation will be made and if it could be held up until determinations are made on the impact downstream. Other discussion took place as to who is installing the culverts and if they could be held up until the situation could be investigated.

PRIVILEGE LICENSE - "SPARKLES" - APPROVED CONDITIONALLY

Mr. Walters indicated a new club "Sparkles" at 900 West Hodges Street has applied for their privilege license. He indicated there has been a series of complications in getting this approved. He explained he understands the Police and Zoning have recommended approval and all building inspections have been approved as of today. He moved that the City Council approve the privilege license for "Sparkles" subject to the City Manager determining that all City regulations, zoning, police, building code, etc., have been met. His motion was seconded by Mrs. Cates which passed unanimously. The Mayor ruled the motion adopted.

GREENWAY PROBLEM - 5521 SHADOWBROOK DRIVE - REFERRED TO ADMINISTRATION

Mr. Congleton presented a letter from Donna S. Pearce, 5521 Shadowbrook Drive, explaining a problem she and her family have had with the Raleigh Parks and Recreation Department for the past 3½ years. The letter indicated their home is adjacent to the Raleigh Greenway and they have been promised that a natural barrier will be provided to facilitate privacy. Mr. Congleton indicated Mrs. Pearce has talked with Ron Tietgen on several occasions and promises have been made; however, now Mr. Tietgen indicates it is a low priority. He ask that Administration look into the item and see if they couldn't get the problems resolved. Without objection, the item was referred to Administration.

ARTSPLOSURE - COMMENTS RECEIVED

Mr. Congleton indicated he had heard comments relating to the Bach Festival which was held during Artsplosure. He indicated the Festival was billed as being a free Festival; however, contributions were pushed at the door and people found it difficult to get out without making a contribution. He stated he feels that the City should be a little cautious on things like this and make sure when something is billed as being free, that contributions are not pushed. The comments were received.

WILLOW RUN DRIVE - PROBLEMS WITH THE DEVELOPMENT - COMMENTS RECEIVED

Mr. Congleton presented a petition which he received from a group of residents in the Willow Run subdivision who are concerned with the extension of Van Thomas Drive and construction of a rest home in that area. He indicated a collector street is supposed to go through the property but it is on hold for right now. He indicated the concern is the possibility of realigning the collector street and the developer had said that he wants the neighborhood support but he would move alone. City Manager Benton indicated the City has held up action on one lot and pointed out the street is to be extended through to Newton Road. The comments were received.

GROUP HOUSING PROJECT - SHELLEY - LEADMINE ROAD - COMMENTS RECEIVED

Mr. Congleton indicated there is a group housing project scheduled for construction at the intersection of Shelley and Leadmine Road. He indicated this is on the site of the leadmine and he wants everyone aware of that. He indicated there were some problems relating to the greenway and a road access through the Conservation/Buffer area. He indicated he had copies of the subdivision plat and he would encourage all Council Members to look into the situation.

SWIMMING POOL - FRED FLETCHER PARK - COMMENTS RECEIVED

Mr. Congleton indicated he has concern about some confusion relating to the swimming pool proposed for the Fletcher Park Pool. He indicated he keeps hearing that "they" have mandated a pool in this location. There seems to be some frustration and he would like to see the question addressed. Mrs. Cates indicated she feels that this item was talked out adequately at the meeting. She pointed out we have a process in place and two groups working on this item and she feels that we should follow the process and let it work through. Mr. Congleton indicated since there seems to be some frustration on the part of the Master Plan Committee, in that they are being told that they must have the pool in that location. If that is true, then he feels that the City Council should say what will go in the location, not "they". He stated he did not want to wait until the process takes place and then have to start all over again and he would like to see it addressed now. Ms. Babb indicated she feels it would be best for each individual Council Member to work on it, with Mr. Congleton pointing out he feels that every member of the City Council needs to be aware of the issues. Mr. Walters stated he had brought this up before, pointing out he feels the process should work through, but explained there are some individuals, including City employees who have said that there will never be a pool at Fletcher Park and that the Master Plan Committee shouldn't even consider it. He indicated that information has been given to him by two members of the Committee. The comments were received; however, no action was taken.

URBAN MINISTRY CENTER - COMMENTS RECEIVED

Ms. Babb indicated she understands there is some question about the appropriation for the Urban Ministries Center and Mrs. Block mentioned it earlier in the meeting and questioned if the appropriation had been made. City Manager Benton at that time had explained that an appropriation was committed; however, the actual money had not been appropriated and there is an item on the night portion of the Agenda requesting the appropriation. Ms. Babb indicated she was concerned about that and felt it should be funded; however, she is also concerned in that they have made a request for $10,000 from the 84/85 budget but they did not complete the Human Resources Department's questionnaire in the required time frame and she wants to make sure that there request would be considered. City Manager Benton indicated there request is in the budget for $10,000; however, Administration didn't propose funding; however, it is in the budget and the Council could consider that. The comments were received. Ms. Babb asked to be excused from the remainder of the afternoon meeting.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES - APRIL 17 and May 1 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the April 17 and May 1 Council Meetings. There being no corrections, Mayor Upchurch announced the minutes approved as presented.

PRELIMINARY ASSESSMENT ROLLS 203, 204 and 1005 - RESOLUTIONS ADOPTED

Council Members received the following preliminary sidewalk assessment rolls which are recommended for adoption which would set a public hearing to consider confirmation during the June 19, 1984, Council Meeting:

Sidewalk AR 203 - King Charles Road
Sidewalk AR 204 - Wake Forest Road
Water AR 1005 - Falls of Neuse Road (Outside City)

Mr. Keller moved approval of the preliminary assessment rolls as presented. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 524

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 203

WHEREAS, by Resolution No. 1982-822, adopted by the City Council on 2/2/82, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: installations of sidewalks on the east side of King Charles Road from Sheffield Road to Brighton Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $7,875.97.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Jimmy R. & Thulia Burgess	1	0079856	25	901 N. King Charles Rd.	$330.75
Marian J. Ray	2	0078708	26	905 N. King Charles Rd.	271.60
Wright Construction Company	3	0079852	-	N. King Charles Rd.	626.78
Wright Construction Company	4	0079853	-	N. King Charles Rd.	2,444.22
John F. Bailey	5	0016637	149	1101 Brighton Rd.	420.70
Donald & Lynda Hughes	6	0018293	167	2201 Sheffield Rd.	609.70
Wright Construction Company	7	0019195	1	N. King Charles Rd.	667.27
Wright Construction Company	8	0019196	10	N. King Charles Rd.	413.00
Wright Construction Company	9	0019192	11	N. King Charles Rd.	297.50
Wright Construction Company	10	0019192	12	N. King Charles Rd.	280.00
Wright Construction Company	11	0019192	13	N. King Charles Rd.	262.50
Wright Construction Company	12	0019192	14	N. King Charles Rd.	262.50
Wright Construction Company	13	0019192	15	N. King Charles Rd.	262.50
Wright Construction Company	14	0019192	16	N. King Charles Rd.	262.50
Wright Construction Company	15	0019192	17	N. King Charles Rd.	464.45

Cost per foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of

Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 203 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 19th day of June, 1984, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

RESOLUTION NO. (1984) 525

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 204

WHEREAS, by Resolution No. 1979-950 adopted by the City Council on June 19, 1979, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on Wake Forest Road, east side, from Six Forks Road north to existing sidewalk at Navaho Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersection, has been computed and determined and is hereby declared to be $2,710.64

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Margaret B. Weeks & Etal.	1	0075419	3	2907 Wake Forest Road	$ 227.50
City of Raleigh	2	0102332	9	Fire Sta. No. 4 Wake Forest Rd.	$ 285.25
Charles W. Gaddy	3	0037236	10-11	Wake Forest Rd.	$ 385.00
Keebler Company	4	0068928		2900 Wake Forest Rd.	$1,812.89

Cost per foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 204 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 19th day of June, 1984 at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the

special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 5/15/84

RESOLUTION NO. (1984) 526

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

WATER ASSESSMENT ROLL NO. 1005

WHEREAS, by Resolution No. 1981-624 adopted by the City Council on July 7, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 5,000 lineal feet of 16" ductile iron water main in Falls of Neuse Road from a point approximately 1,100 feet south of State Road 2010 southward to Litchford Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $77,332.38.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Norman E. Edgerton, Jr.	1	0020033	Tract 1	1,422.00	$13,110.84
Norman E. Edgerton, Jr.	2	0020033	Tract 2	2,493.00	22,985.46
Norman E. Edgerton, Jr.	3	0020033	Tract 3	1,615.00	14,890.30
Children's Bible Mission, Inc.	4	0020035	-	1,019.58	9,400.53
Marjory H. Johnson	5	0036295	-	210.00	1,936.20
City of Raleigh	6	0101861	-	1,230.00	11,340.60
Lonnie M. Dean	7	0017429	-	132.00	1,217.04
Mt. Vernon Baptist Church	8	0089056	-	265.88	2,451.41

Cost per foot: $9.22

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1005 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 19th day of June, 1984, at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is

hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adjournment:

There being no further business, Mayor Upchurch announced the meeting adjourned at 5:00 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

ayw/I1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, May 15, 1984, in the City Council Chamber, 222 West Hargett Street with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order indicating we had several special recognitions tonight.

SPECIAL RECOGNITIONS

BOY SCOUT TROOP 357 - HIGHLAND UNITED METHODIST CHURCH - RECOGNIZED

Mayor Upchurch called on Donald Davenport and Paul Waugaman, representing the Boy Scout Troop 357 of Highland United Methodist Church. He indicated this troop is a very outstanding troop and is celebrating their 25th anniversary, pointing out over these years, they have had 464 boys in the troop of which 50 have become Eagle Scouts. Mrs. Cates pointed out Highland United Methodist Church is only 30 years old and this troop has been on-going for 25 of those 30 years. She pointed out nationwide, the average Eagle Scout is one out of 100 and in this case they have had one out of every ten boys to go on and become an Eagle Scout. Chris Martin, representing the troop, presented Council Members with a patch made especially for the celebration. The Council and audience gave the Scout Troop a standing ovation.

CONCERT DANCERS OF RALEIGH - COMMENDED

Mayor Upchurch called on Karen Edwards, the artistic director of Concert Dancers of Raleigh. He read a proclamation commending the Concert Dancers for the honors they have received and in being granted performing status. Mrs. Edwards, in accepting the proclamation, indicated it was an honor to be accepted as a performing company in Jacksonville recently and an equal honor to be recognized by the City of Raleigh.

REQUESTS AND PETITIONS OF CITIZENS

ROAD RACE - NORTH CAROLINA ROAD RUNNERS CLUB - APPROVED

Jim Young, 3043 Timberlake Drive, was at the meeting indicating he is requesting permission to utilize City streets to conduct a race - Capital Trail Run, over City streets on October 20, 1984. City Manager Benton indicated the Police Department has no objection to this run being conducted as planned, provided they employee 34 off-duty police officers and two supervisors for intersection and point control. It was pointed out this was a 10 mile run involving many City streets and the same route was approved last year and the run was conducted without difficulty. The run begins at the State Capital, follows Hillsborough Street to Dixie Trail to Wade Avenue to Faircloth, through Meredith College along Clark Avenue, Peace Street, Halifax, the Oakwood Section and return to the Capital by way of Blount Street. Mr. Congleton moved approval of the use of City streets with conditions outlined by the Mayor. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA HOUSING FINANCE AGENCY - RESOLUTION OF SUPPORT - ADOPTED

Charles M. Reeves, III, was at the meeting to request the Council to adopt a resolution requesting and approving the participation of the North Carolina Housing Finance Agency in the financing of a project consisting of the renovation of Hayes Barton Square (formerly Kingswood Apartments). He indicated they hoped to rehabilitate inner-city housing for moderate income housing. In response to questioning, City Manager Benton indicated this is the first request the City has been involved in relating to renovation that most of the projects are new construction. He indicated when we look at new construction we look at the zoning, land use characteristics, etc. He pointed out this is an existing facility which has 74 units and he understands that it is just renovation, not enlarging. Mr. Calloway moved approval of the adoption of the resolution as requested. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 527

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL (Governing Body) OF THE CITY (City, Town or County) OF RALEIGH

Section 1. The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located

at Carroll and Hudson Streets (Address) in the City (City, Town or County) of Raleigh is hereby requested and approved pursuant to G.S. 122A-5(1):

Description of Proposed Project:

The renovation of Hayes Barton Square (Formerly Kingswood Apartments), a 74-unit apartment complex located in Raleigh, North Carolina.

This resolution will take effect upon its passage. Thereupon, upon motion of Ms. Cates, seconded by Rev. Calloway, the foregoing resolution was passed by the following vote:

Ayes: Mayor Upchurch, Mr. Walters, Ms. Block, Rev. Calloway, Ms. Cates, Mr. Congleton, Mr. Keller

Noes: None

RACE - UTILIZATION OF CITY STREETS - APPROVED

Mark M. Boggs, representing the North Carolina Department of Transportation, had requested Council permission to utilize City streets for a road race as a part of National Transportation Week. The race would be held on Saturday, May 19, at 9:00 a.m. Council Members received a copy of the race route in their Agenda packet. The City Clerk indicated Mr. Boggs could not be at the meeting tonight. City Manager Benton indicated the run is planned to begin and end on North Carolina State University Campus and will utilize Sullivan Drive and Beryl Road. The route has been used for several years and due to the limited number of participants, no problem has been experience. The Police Department has no objection to the run being conducted as planned. It is understood NCSU Campus Police and off-duty police officers will monitor the route and no difficulties are anticipated. Mr. Congleton moved approval of the request to use City streets as outlined. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ENCROACHMENT - 302-310 WEST LANE STREET - APPROVED CONDITIONALLY

Ron Garber was at the meeting to request permission to encroach on City right-of-way at 302-310 West Lane Street, as the building currently encroaches on City right-of-way by 4-6 feet. He indicated the streets were laid out in 1792 and, evidently, got off of the right-of-way. He pointed out the building has been located there for some 30 years and there is some 15 to 20 feet between the curb and the building. He stated they have liability insurance and a plat has been taken to the Department of Transportation and Inspections for their review. City Manager Benton indicated Administration has no objection to the encroachment as long as the proper encroachment agreement is entered into, showing proof of insurance and that the encroachment be for the life of the existing building only. Mr. Garber agreed. Mrs. Cates moved approval as outlined by the Mayor. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET IMPROVEMENTS - PLEASANT GROVE CHURCH ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

Representatives of Sunbelt Builders had requested permission to discuss the necessity of widening, curbing and guttering of Pleasant Grove Church Road. The City Clerk indicated they could not be at the meeting. By general consensus, the item was referred to Public Works Committee.

EASEMENT EXCHANGE - 8501 BANNISTER COURT - REMOVED

Anderson Marlowe had requested permission to discuss an easement exchange relating to 8501 Bannister Court. Mr. Marlowe was not at the meeting and the item was removed with no action taken.

URBAN MINISTRY CENTER - APPROPRIATION OF $5,000 - AUTHORIZED

Jack Shurman, representing Urban Ministry Center, was at the meeting and explained in late 1982, the organization came to the Council and requested a $5,000 appropriation. He stated at about that time, we ran into all of the problems with the ordinance, building, etc., and he understands that the money was committed but not actually appropriated; therefore, he is at the meeting to request that the $5,000 be appropriated. He indicated in addition, they have applied for $10,000 in next year's budget, but through an error on his part, he did not complete the forms timely and he would ask that that be considered. Mr. Upchurch indicated this last portion of his request was discussed in the afternoon meeting and it will be considered by the Council. City Manager Benton explained that Mr. Shurman's presentation was correct, that the Council did commit to the $5,000 appropriation in December of 1982; however, due to all of the confusion relating to ordinances on shelters, etc., that the item was removed from the Agenda in 1982, indicating that the funds should not be expended or actually appropriated until a program is approved by the City Council. Mr. Calloway moved approval for appropriation of the $5,000 to fund the Urban Ministry Program, the ARK. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 346 TF 22

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth is the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	34-2-3806-0100	Mun. Bldg. Renov.	$3,500.00
To	34-2-3805-0116	Mun. Bldg. Renov.	3,500.00

Purpose: Design modifications for Council Chamber.

From	01-2-1010-0001	Contingency	$15,000.00
To	01-2-1010-0700	Furniture	15,000.00

Purpose: To purchase various furniture for Council Offices.

From	37-2-1090-0200	Grounds Maintenance	$14,200.00
To	37-2-1123-0101	Electronic Scoreboard	14,200.00

Purpose: To purchase electronic scoreboard for Optimist Pool. To be paid back from Opt. Club and Raleigh Area Masters Swim Team.

From	34-2-3040-0101	To 01-0080-212	$5,000.00
To	01-2-1050-0386	Ark - Raleigh Area Min.	5,000.00

Purpose: To appropriate funds for RAM - Ark Project.

From	84-2-1060-0000	E. M. Johnson Plant Exp.	$13,523.00
To	84-2-1060-0501	E. M. Johnson Filter Const.	13,523.00

Purpose: Change Order - E. M. Johnson Water Plant Expansion - Roberts Filter Mfg. Co., #F-9.

From	84-2-1050-0101	Dam Restoration Alarm	$5,000.00
To	84-2-1060-0000	E. M. Johnson Plant Exp.	5,000.00

Purpose: Advance Warning System Lakes Wheeler, Benson, Johnson, Bolton Corporation, #1.

From	01-2-1040-0001	Contingency	$1,435.00
To	01-2-1130-0221	Printing	1,435.00

Purpose: Reimbursement for printing of Legislature Folders.

From	37-2-8985-0100	Crabtree Creek	$14,000.00
From	37-2-8985-0400	Tributary Creek	14,000.00
To	37-2-8985-0200	Leadmine Creek	28,000.00

Purpose: To correct purchasing mistake.

From	06-2-7060-0616	Hose, Sewer Jet	$2,000.00
To	06-2-7060-0636	Chain Saws	2,000.00

Purpose: To buy 4 replacement saws for easement clearing.

From	06-2-7060-0616	Hose, Sewer Jet	$2,000.00
To	06-2-7060-0625	Lazer Beam	2,000.00

Purpose: To buy accessory equipment for new lazer to aid set up and accuracy.

From	06-2-7060-0700	Easement Acquisition	$18,000.00
To	06-2-7060-0702	Sewer Pipe	18,000.00

Purpose: To cover bid of 8" PVC Sewer Pipe.

From	01-2-5060-0609	Pickup	$ 600.00
From	01-2-5060-0609	Pickup	500.00
From	01-2-5060-0609	Pickup	146.00
To	01-2-5060-0257	Other Supplies	600.00
To	01-2-5060-0231	Travel Expenses	500.00
To	01-2-5060-0282	School Training	146.00

Purpose: To provide sufficient funds to complete fiscal year.

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 34-2-3806-0100	Mun. Bldg. Renovations	$80,350.00
To 34-2-3806-0108	Modifications - Projects 1, 2 & 3	80,350.00

Purpose: Funding contract with Clancy & Theys to modify (Project 1) the 1st floor for police, health and credit union, (Project 2) modify Old Council Chamber for Cafeteria and (Project 3) extend corridor into old building.

From 34-2-3806-0100	Mun. Bldg. Renovations	$54,120.00
To 34-2-3806-0109	Reroof Old Municipal Building	54,120.00

Purpose: Fund contract to reroof Old Municipal Building.

DRAINAGE PROBLEMS - KINGS MILL VILLAGE - REFERRED TO ADMINISTRATION FOR REPORT BACK AT JUNE 5, 1984 MEETING

Bryan Hicks, 2208 Basil Drive, was at the meeting representing homeowners in the Kings Mill Village area. He indicated they are having a severe drainage problem in their community that yards, homes, etc., are being flooded. He stated he was at the meeting to ask that a variance be made which would allow the City to come in and do the labor under the City's Storm Drainage Policy. He indicated they are just outside of the City Limits but back up to the City Limits and one of the properties involved lot line is the City Limit line. He indicated they are sure they will be in the City soon and part of the problem is drainage coming out of the City. He stated they need the Council's help desperately. City Manager Benton indicated he has been working on this problem but has not been able to get it all together. He indicated we do have a question of the Storm Drainage Policy applying only in the Corporate Limits. He stated the problem does need to be addressed and a solution found. He indicated the solution would be a 36-inch pipe to tie into two existing storm drainage. He pointed out 5-6 lots are experiencing problems, with it being pointed out that the storm drainage the want to connect onto is entirely in the City. Mr. Walters indicated we do have a precedent, pointing out the drainage problem is in the City and out of the City. He indicated the Council is holding up a subdivision in this area to try to help get the problem resolved. City Attorney McCormick indicated he was not aware of any precedent. City Manager Benton indicated the big expense is some 800 feet of pipe, with Mr. Hicks indicating if they could get an okay from the City to install the pipe, they would go back to the builders to try to get them to pay for the pipe. Brief discussion took place with Mr. Congleton pointing out this is a big problem and we need to get it solved. After discussion, he moved that the matter be referred to Administration to try to work out some solution and report back as a special item at the June 5 Council meeting. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

UNSAFE BUILDINGS - 416 SOUTH BLOODWORTH STREET - REPEALER ORDINANCE ADOPTED

Inspections Administrator Bartholomew indicated Ordinance 1984-312 declaring property at 416 South Bloodworth unsafe. He indicated property owner, Sadie J. Love is demolishing the building herself, therefore the ordinance should be repealed. Mrs. Block moved adoption of the appropriate repealing ordinance. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-351

AN ORDINANCE REPEALING A PORTION OF ORDINANCE NO. 1984-312 RELATING TO THE PROPERTY OF SADIE J. LOVE, RALEIGH, NORTH CAROLINA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That part of Ordinance No. 1984-312 relating to the property of Sadie J. Love and directing that the dwelling thereon be placarded or demolished is hereby repealed.

Section 2. It is the intent of this ordinance that no other portion of said Ordinance No. 1984-312 be affected in any manner whatsoever by the adoption of this ordinance.

Section 3. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 4. This ordinance shall be effective May 15, 1984.

PUBLIC NUISANCE COST CONFIRMATION - 3112 WILDER STREET - REPEALING RESOLUTION ADOPTED

Housing Inspections Administrator Bartholomew indicated in 1975 a public nuisance confirmation was confirmed against 3112 Wilder Street in the name of Edward Holloway, Sr. He indicated through a mix-up at the Register of Deeds Office and Wake County Tax Department, it has now been found that Mr. Holloway did not own the property as it has been owned by David McNeil since September 12, 1951. He indicated there are some street assessments, other public nuisance abatements, delinquent tax, etc., relating to this property and it is felt that they will be paid; however, the Assessment Attorney does not feel that we will be able to collect this $118 due to the

mix-up; therefore, he would suggest adoption of a resolution repealing the $118 charge, in that the owner has agreed to pay all other assessments. Mr. Walters moved adoption of the appropriate repealing resolution. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION 1984-528

A RESOLUTION TO AMEND RESOLUTION 1975-683 RELATING TO 3112 WILDER STREET

WHEREAS, the City Council on August 19, 1975, adopted Resolution 1975-683 and confirmed a lien against 3112 Wilder Street, Lot 266, Map 521 in the name of Edward Holloway, Sr. in the amount of $118.00.

WHEREAS, it has been determined that Mr. Holloway was not the owner of record of the property at the time of confirmation of the lien and records should be corrected accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Resolution Number 1975-683 be amended by deleting any reference to the lien against Edward Holloway, Sr., located at 3112 Wilder Street, Lot 266, Map 521 in the amount of $118.00.

Section 2. That no other section of Resolution 1975-683 is affected by this amendment which deletes the assessment at 3112 Wilder Street.

Section 3. That this resolution shall become effective immediately upon adoption.

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT DWELLING - 303 SOUTH PETTIGREW STREET - HEARING - ORDINANCE ADOPTED EFFECTIVE JUNE 6

This was a hearing to consider adoption of an ordinance declaring the dwelling at 303 South Pettigrew Street unfit and directing that it be placarded. The property is in the name of Mrs. Jeanette Powe Bryant. The Housing Inspections Administrator indicated Council Members received correspondence from a citizen relating to this case requesting a 15 day extension. He stated he would have no problem with the extension of time in order to give the people an opportunity to do the work. Mr. Walters moved adoption of an ordinance declaring the dwelling unfit June 6, 1984. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-352

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 10, Chapter 6, Article H of the Code of the City of Raleigh, North Carolina, entitled, "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance: and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Director of Inspections or his designee, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Director of Inspections of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION: THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Jeanette Powe Bryant	303 South Pettigrew Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective june 6, 1984.

PUBLIC NUISANCE COST CONFIRMATION - CAPITAL FUNDS LIMITED - WITHDRAWN

This was a hearing to consider adoption of a resolution confirming charges in the amount of $998 against Rucker Street, Lot 63, in the name of Capital Funds, Inc.

Housing Inspections Administrator Bartholomew indicated these charges have been paid; therefore, he would request that the item be withdrawn from the Agenda with no action taken. Mr. Calloway moved that the item be withdrawn. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SIDEWALK AR 199 - KAPLAN DRIVE - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges outlined in Sidewalk Assessment Roll 199 - Kaplan Drive, as outlined in Resolution 1984-489, adopted on April 3, 1984. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption confirming resolution as outlined. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:30 p.m.

WATER AR 1010, SEWER AR 1011 - BODDIE DRIVE - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider confirming charges as outlined in Water Assessment Roll 1010 (Resolution 1984-490) and Sewer AR 1011 (Resolution 1984-491). The Mayor opened the hearing. Ben Taylor indicated he was representing Mr. Gahagan, who owns property on New Hope Church Road. He indicated they have paid assessments on New Hope Church Road and they do not feel that the property will benefit; therefore, the assessment is excessive. Without objection, the two items were referred to Public Works Committee.

SEWER AR 1012 - EAST OF DURALEIGH ROAD - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges as outlined in Sewer AR 1012 (Resolution 1984-492), adopted on April 3, 1984. It was pointed out this property is outside the City Limits and the assessment would become effective upon annexation or tap on. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of the appropriate resolution. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:35 p.m. See Resolution 529.

WATER AR 1013 - NORTH HILLS DRIVE - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirming charges outlined on Water Assessment Roll 1013 (Resolution 1984-493) on North Hills Drive. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution confirming charges as outlined. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:36 p.m. See Resolution 529.

SEWER AR 1014 - NORTH HILLS DRIVE - HEARING - CONFIRMING RESOLUTION ADOPTED

This was a hearing to consider confirming charges as outlined in Sewer AR 1014 (Resolution 1984-494) relating to North Hills Drive. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:37 p.m.

RESOLUTION NO. 1984-529

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLL 199, SEWER ASSESSMENT 1012, WATER ASSESSMENT ROLL 1013, SEWER ASSESSMENT ROLL 1014

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 15th day of May, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1984-489, 492, 493 and 494 adopted on the 3rd day of April, 1984, which assessments appear on "The City of Raleigh Special Sidewalk AR-199, Sewer AR-1012, Water AR-1013, Sewer AR-1014," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or

if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

STREET CLOSING - NEW BERN PLACE - HEARING - RESOLUTION ORDERING CLOSING WITH CONDITION

This was a hearing to consider the permanent closing of a portion of New Bern Avenue between Blount and Person Streets. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. City Manager Benton indicated Administration recommends that the street be closed subject to a 20-foot utility easement being retained for public service gas lines and a 20-foot utility easement for sanitary sewer lines. He indicated the City would have to relocate an 8-inch water line around this area, pointing out that water line is needed and could not be terminated; therefore, it would have to be funded through Utilities Capital Improvement Program for about 600 feet. Mr. Walters moved adoption of a resolution directing the closing with the conditions as outlined. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 531

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF NEW BERN AVENUE AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of New Bern Avenue right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of New Bern Avenue be closed permanently as follows:

Beginning at the point of intersection of the western right-of-way line of North Person Street and the northern right-of-way line of New Bern Avenue; thence west along the northern right-of-way line of New Bern Avenue 99.60 feet to a point; thence south across New Bern Avenue approximately 99 feet to a point in the southern right-of-way line of line of New Bern Avenue; thence east along the southern right-of-way line of New Bern Avenue to a point in the northern right-of-way line of East Morgan Street; thence in a northeasterly direction along the northern right-of-way line of East Morgan Street to a point in the western right-of-way line of Person Street; thence north along the western right-of-way line of Person Street to the point of Beginning.

CONDITIONS: Closed subject to a 20 foot utility easement being retained for public service gas lines and a 20 feet utility easement for sanitary sewer lines.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: May 15, 1984

Effective: See Conditions

PARKS AND RECREATION - CIP PROGRAM - COMMENTS RECEIVED

Mr. Congleton indicated a resolution was passed by the North CAC relating to Parks and Recreation and calling for the reconvening of the Millbrook Exchange Master Planning Committee and other parks in the North CAC for which improvements are planned and that the Master Plan Committee's review Capital Improvements prior to acceptance by the City Council in the City's new 5 year Capital Improvement Program. He indicated he really did not think there is time to deal with this in this particular budget but he feels that it should be taken under advisement and consideration in following years. The item was received as information.

JOINT HEARING BETWEEN THE CITY COUNCIL AND THE PLANNING COMMISSION

The City Council held a joint hearing with the Planning Commission to consider various requests for rezonings and text changes, as advertised. The minutes for that portion of the meeting will be in a separate set.

Gail G. Smith
City Clerk

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